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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

PART 52.

64

CLOSED UNTIL 1973

JULY TO DECEMBER 1922.

F.O 438/

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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

PART 52.

JULY TO DECEMBER 1922.

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Further Correspondence respecting Morocco.

PART 52.

Chapter I.—The Tangier Zone.

(a.) Future Status of Tangier.

[W 5803/197/28] No. 1.

Mr. Robertson to Mr. Villiers.—(*Received July* 12.)

Tangier, June 5, 1922.

My dear Villiers,

I HAVE for some time past been trying to get at the bottom of the question of the spiritual authority of the Sultan, but it is far from easy. The moment that you get away from certain broad principles people seem to differ. Their answers are coloured by (1) hatred of the French, or (2) fear of the French, or (3) a desire to tell you what they think that you want to hear. I am up against (3) all the time here, and it is most difficult to get at the truth in any question, big or small.

There are, however, certain things which one can say definitely, as everyone agrees in regard to them :—

1. The Sultan of Morocco is not and never has been regarded as a Khalifa of the Sultan of Turkey ; very much the contrary.
2. There is not and never has been any intercourse between the Sultan of Morocco and the Sultan of Turkey.
3. There cannot be two Caliphs of Islam, though the Caliphat has sometimes been disputed.
4. The Sultan of Morocco, though he has always been independent of Constantinople, lays no claim to the Caliphat. The title he uses is "Emir-el-Mouminin," *i.e.*, "Commander of the Faithful." The Moslems of Morocco have, until recently, regarded him as their spiritual and temporal head, their leader in prayer, their captain in war, and they have never bothered about Constantinople until now.

Historically the position developed somewhat as follows : The Ommiads reigned at Damascus but were ultimately defeated and, with the exception of one of them, all massacred by the Abbassides, who set themselves up at Bagdad. Abd-el-Rahman, the only surviving Ommiad, escaped from the massacre and fled to Cordova, where he was acknowledged as Sultan, and probably as Caliph. In any case he did not, of course, recognise the Abbasside Caliphat, and the Caliphat was, therefore, probably in dispute at that time.

As regards the East, the Abbassides were finally overcome by the Turks, and the Sultan of Turkey has since been very generally recognised as Caliph by the Moslem world, though in Morocco I gather that they have never, until recently, thought very much about it, having a man of their own who is alleged to be descended from the Prophet, whereas the Sultan of Turkey certainly is not.

As regards the West, the Ommiads at Cordova gradually lost their power and had to appeal to the Sultan of Morocco for help against the Spaniards. It was an Almoravide Sultan that first went to Spain in the 11th century, but it was the Almohades who really established themselves there in the 12th century.

As far as we are concerned, however, the point is that, at any rate since the Turks took the Caliphat in the 16th century, there has been no intercourse between Morocco and Constantinople. Had the Sultan of Morocco acknowledged the Sultan of Turkey as Caliph, he would have had to pay some form of tribute, and messengers would have passed between the two. Nothing of the kind occurred.

Now as to the meaning of the word Caliph or "Khalifa." It is certainly used as "deputy" now in several walks of life, but, according to local opinion, the Caliph of Islam is the "successor" of the Prophet, who himself never claimed to be the deputy of God, a title which the Koran only gives to Adam and David, I think. There is considerable difference of opinion as to how the Caliph of Islam is appointed.

The Moors never troubled about these things until recently. Now, however, the position has altered as a result of the declaration of the French protectorate. Moulay Hafid voluntarily signed the Protectorate Treaty. The present man, Moulay Yussuf, voluntarily accepted the succession. He has therefore done himself in as regards all real believers, because he has accepted voluntarily the protection of the infidel. He was indeed proclaimed by the ulemas of Rabat, and it is alleged that the ulemas of the other towns acknowledged him afterwards, but, if they were not afraid of the French, it is probable that they would depose him. Moulay Abdul Aziz was installed by all the ulemas and he consulted them regularly before meeting any Christian demand. Nowadays the ulemas are not consulted at all. In these circumstances the eyes of the true believers turn towards Constantinople, and that is a difficulty with which the French will have to contend. I very much doubt if their policy of boosting the Sultan of Morocco will succeed. The more that they, a Christian Power, boost him, the more will the true Mahommedans, and particularly the fanatics of Fez, despise and mistrust him. In fact the French are really encouraging that Pan-Islamic movement which they most fear. Their policy appears to be to divide Islam: to proclaim their friendship for the Turk on the one hand, so as to pose as the protectors of Islam generally, while on the other hand, supporting the continued independent spiritual authority of the Sultan of Morocco. To my mind they are playing a very dangerous game. If the French and ourselves fall out, it will be a bad job for both of us. Islam will be afraid of the two of us if we stand together, but, if we separate, much blood will have to be shed if we are to keep our respective Mahommedan Empires.

Yours ever,
ARNOLD ROBERTSON.

[W 6314/197/28] No. 2.

Mr. Robertson to the Earl of Balfour.—(*Received July* 28.)

(No. 291.)
My Lord, *Tangier, July* 20, 1922.

WITH reference to my despatch No. 289 of the 18th instant, I have the honour to transmit to your Lordship herewith copy of a letter from the British Chamber of Commerce at Tangier, giving the results of certain enquiries which have been conducted with a view to ascertaining the extent of British interest in the Tangier zone as represented by holdings of land and houses.

Considerable capital is made by French propagandists out of the large extent of land held by French companies and individuals. It is interesting, therefore, to note that, as regards house property, the British holding is considerably in advance of the French, while the amount of unbuilt land owned by members of the British community is also very large. As regards the latter, it is impossible to make any accurate comparison between the interests of different nationalities, since lands containing no buildings are not subject to taxes. It is perfectly true that the amount of land held by French subjects is very great, but a large proportion of these holdings consists of totally undeveloped land bought for speculative purposes by French companies, with the assistance of French banks and the active support of the French Legation and other French officials in Tangier, whereas most of the property owned by British subjects, whether consisting of houses or of undeveloped land, belongs to persons actually resident in Tangier, whose interest will be deeply affected by the form of the administration which is set up in this zone.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 2.

British Chamber of Commerce for Morocco to Mr. Robertson.

Sir, *Tangier, July* 18, 1922.

I HAVE the honour to inform you that a committee of this Chamber has recently been engaged in drawing up a list of land and house properties owned by British subjects and British-protected persons in the Tangier district, and has arrived at the following results :—

Lands owned by British subjects and British-protected persons in Tangier district: 250 properties, with a total area of 61,205,164 square metres. These properties are in the hands of as nearly as can be ascertained, fifty-nine owners.

The list obtained from the official records, of those liable to "taxe urbaine," *i.e.*, house owners, in the period 1919–21, includes the names of seventy-five British subjects or protected persons.

The amount of "taxe urbaine" payable yearly by British, Spanish, and French subjects or protected persons respectively in the period 1919–21 was as follows :—

	Fr.
British	65,817
Spanish	68,200
French	51,841

The new assessment for "taxe urbaine" will include the properties purchased by Mr. Waller. These will, it is estimated, increase the amount of tax payable by British subjects by approximately 20,000 fr.

I am, &c.
L. J. BROWN, *Secretary.*

[W 6499/197/28] No. 3.

*The Earl of Balfour to Sir E. Howard (Zarauz).**

(No. 77.)
(Telegraphic.) R. *Foreign Office, August* 2, 1922.

TANGIER question will not be raised at meeting on 7th August between French and British Prime Ministers. Reparations will form sole subject of discussion, but we intend to propose to French Prime Minister that Tangier Conference should be held in London early in October.

(To Madrid only.)
Spanish Ambassador here is being informed accordingly.

[W 6510/72/28] No. 4.

The Earl of Balfour to Mr. Chilton (Washington).

(No. 246.)
(Telegraphic.) *Foreign Office, August* 3, 1922.

YOUR telegram No. 308 of 2nd August.

Tangier question will not be raised at meeting on 7th August between French and British Prime Ministers, but we intend to propose to French Prime Minister that Tangier Conference should be held in London early in October. Even if latter agrees, it is not unlikely that, owing to intransigent attitude of French Government, the conference will fail to reach agreement and port question will be left unsettled.

Tenders for port works will be adjudicated on 9th November, and work may begin immediately afterwards.

Attitude of United States Government is most satisfactory, but it is essential that they should take prompt action in Paris.

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* Also to Mr. Robertson, Tangier, No. 23.

[W 6659/197/28] No. 5.

Memorandum by Mr. Robertson.—(Received at Foreign Office, August 9.)

THE position of the Contrôle de la Dette is as follows:—

The 1904 Five per Cent. Loan, amounting to 62,500,000 fr., is secured by the customs receipts of all the ports of Morocco. Interest is payable half-yearly on the 1st January and 1st July. Amortisation takes place in thirty-five years, the annual ballot dates being the 1st May and 1st November and the redeemed bonds repaid on the 1st January and 1st July. The loan cannot be paid off or converted before 1922. Half-yearly payments amount to 1,899,500 fr., including amortisation.

The 1910 Five per Cent. Loan, amounting to 101,124,000 fr., is secured by—

1. Customs receipts after payment of the interest on the 1904 loan.
2. The tobacco monopoly dues.
3. The revenues from the "mostafadat" in the ports (gate and market taxes) and from the "sakkat" (sulphur monopoly and jewellery).
4. The revenues from Government properties in the ports and a zone of 10 kilom. round them.
5. Fifty per cent. of the receipts of the "taxe urbaine," which goes to the Makhzen.

Interest is payable half-yearly on the 1st April and 1st October. Amortisation in seventy-four years, dating from the 1st October, 1911; annual ballots on the 1st February and 1st August, redeemed bonds being repaid on the 1st May and 1st October following. The loan cannot be repaid or converted before the 1st October, 1926. Half-yearly payments amount to 2,621,000 fr. or pesetas, at the option of the holder.

The Contrôle de la Dette is authorised, since 1910, to collect the whole of the above-mentioned revenues for account of the bondholders. Further, it is authorised, by delegation of the Shereefian Government, to administer the customs, the domains of the 10 kilom. zones and the "mostafadat." The actual administration of domains and "mostafadat" in the French zone were handed over to the protectorate in 1916–17, but the Dette still takes all the receipts, handing back any excess after service of the loans and payment of cost of administration.

ARNOLD ROBERTSON.

Tangier, July 31, 1922.

[W 7955/197/28] No. 6.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received September 25.)

(No. 357.)

My Lord, *Tangier, September 11, 1922.*

I HAVE the honour to forward to your Lordship herewith a memorandum which I have prepared showing the course that negotiations took from 1911 to 1914 between the British, French and Spanish Governments in regard to the internationalisation of Tangier. Unfortunately, neither my archives nor the confidential print volume respecting the "Affairs of Morocco" show exactly what occurred when His Majesty's Government recognised the French protectorate in 1914 after the outbreak of war. I have, however, always understood that His Majesty's Government attached to their recognition of the French protectorate the express stipulation that Tangier should be internationalised in accordance with the convention which was at that time on the verge of being concluded.

2. I trust that this memorandum may be of some use to your Lordship. It shows conclusively the consistent attitude adopted by His Majesty's Government and the acceptance by the French Government, through all the negotiations that took place, of the British views that Tangier must be under international administration. There was no deviation from this principle, though there was considerable argument as to details. In the end the British and French Governments came to an agreement, and it seems to me that this is of importance.

3. It may not be out of place also to draw attention to Sir Herbert White's despatch No. 90 of the 23rd March, 1914. A complaint had been made that the French agency interfered with the Moorish officials at Tangier, no such official being

able to take any step whatever without first consulting the first dragoman of the French agency. General Lyautey, to whose attention this complaint was drawn, sent for M. Martin, presumably his secretary-general at the time, and told him that this was entirely contrary to his wishes. The interference must cease. The French Government had given assurances that the internationalisation of Tangier was to be genuine and they were determined to act up to these assurances.

4. I may say in conclusion that the interference with Moorish officials by the dragoman of the French agency, and probably also by the Residency-General at Rabat, cannot have been greater in 1914 than at the present time. It is safe to say that no action is taken nor any note written by either the Sultan's representative or the Basha of Tangier without direct instructions from either the French agency or the Residency-General, even in the case of purely local land disputes in which British subjects or British protégés are concerned, and no French interest is apparent. French rule in Tangier is supreme, and no other authority, foreign or native, receives the smallest consideration.

I have, &c.
ARNOLD ROBERTSON.

Enclosure in No. 6.

Memorandum on Negotiations between the British, French and Spanish Governments during the period 1911 *to* 1914 *respecting the Internationalisation of Tangier.*

ON the 3rd November, 1911, M. Daeschner, French Minister at London, transmitted to Sir Edward Grey the text of the recently concluded Franco-German Convention relating to Morocco and asked for the adherence to it of His Majesty's Government.

2. In his reply, dated the 14th November, 1911, Sir Edward Grey gave the adherence of His Majesty's Government subject to three observations, two of which are not germane to the question of Tangier. The third observation was worded as follows: "In view of the freedom of action now conceded to France under the new Franco-German Convention, His Majesty's Government take this opportunity to remind the French Government of the importance attached by both of them equally to the preservation of the exceptional character which the town of Tangier derives from the presence of the Diplomatic Body and from its municipal and sanitary institutions. His Majesty's Government feel confident that the French Government will accordingly concur in adequate arrangements being made for placing the town and municipal district of Tangier definitely under international control."

3. M. Daeschner's reply of the 17th November made no reference at all to Tangier, and Sir F. Bertie, His Majesty's Ambassador at Paris, was, therefore, instructed on the 20th November, in despatch No. 485, to draw the attention of the French Government to this omission. The despatch stated: "His Majesty's Government are much embarrassed by this omission, and, assuming it to be intentional, they feel constrained to renew the statement that in adhering to the Franco-German Convention they expect the French Government to carry out their engagements towards Spain as to the internationalisation of Tangier, engagements which were, in accordance with article 8 of the Anglo-French Declaration of 1904, communicated by the French Government to His Majesty's Government and taken note of by them, and to which they are therefore practically parties. If the French Government actually contemplate a departure from the policy defined in that agreement, His Majesty's Government would be reluctantly compelled to reconsider their position, and would, in particular, be obliged to take such steps at Madrid as would prevent the Spanish Government from agreeing to any modification of their agreement with France of 1904 which would not provide adequate safeguards for securing the international status of Tangier." In the next paragraph the despatch states: "Your Excellency will bear in mind that some formal record will be necessary either on the part of the French Government to the effect that the reservation of His Majesty's Government is understood and will be satisfactorily met by them, or on the part of His Majesty's Government to the effect that their adherence to the Franco-German Convention is subject to a satisfactory settlement of the international status of Tangier."

4. The attitude of His Majesty's Government was thus clearly defined beyond any possibility of misunderstanding.

5. On the 21st November, 1911, M. Daeschner addressed a note to Sir Edward Grey in which he stated : "Je suis autorisé à donner officiellement à votre Excellence, pour faire suite à ma note du 17 courant, l'assurance que le Gouvernement de la République ne se prévaudra pas de ses accords avec l'Allemagne pour revenir sur la clause de la Convention franco-espagnole de 1904 relative à la situation spéciale de la ville et de la région de Tanger."

6. Now article 9 of the Franco-Spanish Convention of 1904 unfortunately merely states : "La ville de Tanger gardera le caractère spécial que lui donnent la présence du Corps diplomatique et de ses institutions municipales et sanitaires." No mention is made in this treaty of Tangier's being endowed with a new Constitution, and it is worth while drawing attention to the words "caractère spécial" for which "régime spécial" was substituted in article 7 of the Franco-Spanish Treaty of 1912, which does provide that "La ville de Tanger et sa banlieue seront dotées d'un régime spécial qui sera déterminé ultérieurement." In view of the post-war French contention that "régime spécial" does not mean "régime international," it is worth while following up the correspondence and negotiations which took place prior to the war, and which clearly show the contrary.

7. Sir Edward Grey, clearly having some suspicion in regard to the precise meaning of the French Minister's note of the 21st November, sent a copy of it to His Majesty's Ambassador at Paris and instructed him to inform the French Government that His Majesty's Government had received the assurance contained in it with much satisfaction and were confident "that the French Government intended to ensure that adequate arrangements would be made for placing the town and municipal district of Tangier definitely under international control." The despatch continued : "His Majesty's Government are confirmed in this belief by the wording of the draft French declaration communicated to you by M. Regnault (Paris despatch No. 455 of the 21st October, 1911) in connection with the suggested text for a revised Franco-Spanish agreement. It is stated in the first article of this declaration that, in accordance with article 9 of the Franco-Spanish Agreement of 1904, the town of Tangier shall be administered under the sovereignty of the Sultan by a municipality of an international character."

8. In an interview which took place on the 26th November, 1911, between Sir F. Bertie and M. de Selves, French Minister for Foreign Affairs, the latter, outlining the course that the coming negotiations with Spain were to take, stated "that, with regard to Tangier and its immediate vicinity, arrangements should be made for its internationalisation." Sir F. Bertie, in reporting this conversation in his despatch No. 561 of the 26th November, added that M. de Selves pointed out that the contemplated arrangement "would provide for the internationalisation of Tangier and its vicinity—a matter to which you attach great importance."

9. In his despatch No. 571 of the 1st December, 1911, Sir F. Bertie forwarded French draft regulations for the administration of Tangier. The opening paragraph of this draft stated : "La ville de Tanger, devant conserver un caractère international, sous la souveraineté du Sultan, sera administrée par une municipalité, instituée suivant les principes du projet antérieurement établi par le Maghzen."

10. Sir M. de Bunsen, His Majesty's Ambassador at Madrid, was instructed, in Sir Edward Grey's despatch No. 137 of the 27th December, that "His Majesty's Government could not consent to Tangier being placed under either Spanish or French control, and that they must insist on the town and municipal district being placed outside either sphere and administered internationally."

11. The French draft regulations, referred to above, were not considered satisfactory by His Majesty's Government, their cardinal defect being that they did not provide for real internationalisation. Sir F. Bertie was instructed so to inform the French Government (to Paris, No. 522 of the 11th December).

12. Early in 1912 the question of the establishment of a French protectorate over Morocco arose, the French contending that as soon as they had concluded an agreement with the Makhzen on the subject it would be effective as regards all Powers who had accepted the Franco-German Convention. His Majesty's Government did not wholly accept this view (to Sir F. Bertie, No. 36 of the 31st January, 1912), and maintained, among other points, that they had only adhered to the convention in question on condition that the international status of Tangier were maintained and confirmed. At this time M. Poincaré was French Minister for Foreign Affairs.

13. In a conversation with Sir Edward Grey on the 7th February, 1912, the French Ambassador at London stated that the French Government were going to negotiate something with the Sultan which would not amount to a formal protectorate, and that if the three conditions as to economic equality, reservation of

Spanish rights and the internationalisation of Tangier were safeguarded, the French Government considered that they could rely on the moral support of His Majesty's Government (to Sir F. Bertie, No. 63 of the 7th February, 1912).

14. On the 10th February the French Ambassador communicated a fresh draft for the organisation of a Tangier municipality. This draft began : "Une municipalité internationale sera instituée pour la ville de Tanger et sa banlieue." It also did not meet with the approval of His Majesty's Government, who communicated their own general views on the question to M. Cambon in a memorandum dated the 15th March, 1912.

15. On the 23rd March the French Ambassador communicated yet another draft scheme, which began as follows : "L'organisation internationale de Tanger fera l'objet d'un arrangement entre la France, la Grande-Bretagne et l'Espagne, déjà liées par des traités qui visent cette question."

16. At that time, then, the French Government, in contradistinction to their present attitude, appeared to consider that they were bound by treaty to internationalise Tangier, and it is not uninteresting to note that M. Poincaré was Minister for Foreign Affairs.

17. Considerable correspondence was exchanged in regard to this draft, both with the Spanish and French Governments, who were still negotiating the Franco-Spanish Convention, which was finally concluded in November. His Majesty's Government firmly adhered, in the course of their correspondence with both Governments, to their view that Tangier should be really internationalised and not included in either the French or the Spanish zones. Finally, on the 24th May, 1912, the French Ambassador proposed that the question should be referred to a tripartite commission which would sit at Madrid. This was agreed to.

18. The negotiations of this commission did not proceed satisfactorily, and it is not proposed to dwell on them in this memorandum beyond drawing attention to the opening meeting as reported in the enclosure to Sir M. de Bunsen's despatch No. 84 of the 18th June, 1912. The Spanish negotiator stated that, in the opinion of his Government, the Sultan's Khalifa in the Spanish zone should be empowered to collect and distribute the Tangier customs dues. Tangier being in the Spanish zone, this would be the natural procedure. To this, Mr. White, the British negotiator, replied that the proposal raised a question of principle. In view of His Majesty's Government the whole of Morocco remained a single State, divided for administrative purposes into three zones : a French zone, a Spanish zone and an international zone, the administration of each zone being entirely independent of those of the others. The international zone could not be considered to be in any way within the Spanish zone, or connected with the administration thereof, any more than with that of the French zone. With these views M. Guiot, the French negotiator, "entirely concurred." His Government had at first held that, Tangier forming, as it would continue to form, an integral part of Morocco, the Sultan should retain a *tutelle* over it. They had, however, consented to withdraw this claim on behalf of the Sultan, with a view to establishing a truly international status for Tangier. They would therefore never admit that this *tutelle* should be transferred to Spain through the Sultan's Khalifa in the Spanish zone.

19 M. Guiot's statement is of considerable interest.

20. Towards the end of June the negotiations were suspended owing to a stiffening of the French attitude, and M. Guiot left for Paris to consult with M. Poincaré. He subsequently returned with strict instructions to insist on the maintenance of French control over the customs, but left again early in August, and the commission had to adjourn its sittings.

21. A difference of opinion having arisen between the British and French Governments with regard to the procedure to be adopted in actually setting up the future municipality, His Majesty's Government communicated their views to the French Ambassador at London in a note dated the 23rd July, 1912. In a long reply dated the 27th August, 1912, the French Chargé d'Affaires made the following categorical statements :—

"La France a toujours été disposée à installer à Tanger un régime international, et sa conduite même démontre qu'elle a constamment voulu exécuter ses engagements à cet égard. Le Gouvernement de la République n'a aucune visée particulière sur Tanger; il n'y recherche aucun privilège et aucun avantage d'aucune sorte; sa seule préoccupation—et on ne saurait en contester la légitimité—est de ne se prêter qu'à la création d'un organisme viable, dans lequel la France n'aura pas d'autres droits que ceux des autres Puissances, mais dans lequel aussi elle ne sera pas placée dans

une situation d'infériorité. De ces principes le Gouvernement de la République n'a cessé de s'inspirer au cours de ses pourparlers déjà longs avec le Cabinet de Londres.

"2. Le Gouvernement de la République n'entend pas assimiler l'organisation de Tanger à une simple mesure de réorganisation analogue à celle que le Sultan pourrait prescrire avec le concours de la France dans tout autre port marocain; mais il maintient qu'il n'a assumé le devoir d'internationaliser ou de neutraliser Tanger, ni envers l'Allemagne, ni envers aucune des autres Puissances qui ont adhéré à l'Accord franco-allemand du 4 novembre 1911, la Grande-Bretagne et l'Espagne exceptées."

22. It would be difficult to imagine more formal assurance, nor is it easy to understand how the French Government can seriously argue that the war has modified these assurances given to a Power that was allied with France during that war.

23. Negotiations were resumed in Madrid in 1913 (March) and resulted in the drawing up of a draft convention *ad referendum*. Several points were, however, left outstanding in regard to which the British and French Governments came to an agreement by direct negotiation in London. The draft convention and dahirs thus agreed upon were communicated to the Spanish Government in November (despatch to Sir A. Hardinge, No. 147 of the 15th November, 1913). The latter raised various objections, and negotiations were not concluded when war broke out in 1914.

ARNOLD ROBERTSON.

Tangier, September 11, 1922.

[**W 8741/197/28**] No. 7.

Memorandum on the Administration of Tangier.

MR. CASTLE, head of the European section of the Department of State at Washington, came to see me yesterday, accompanied by Mr. Mayer, secretary and moving spirit of the American agency at Tangier.

I asked Mr. Castle whether the United States Government were in earnest about Tangier and whether they were prepared to back us up in insisting on a genuine international administration. Mr. Castle replied unhesitatingly in the affir
He had no doubt he was correctly interpreting the views of Mr. Secretary Hughes in saying that the United States Government did not regard Tangier as a purely European question. American interests were at stake, and they were prepared to defend them. They realised as well as we did that Tangier was the one remaining gateway into Northern Africa, and that if it were closed there would be no prospect of further development in American trade in those regions. Of course, the position of the United States was much less strong than ours. They had no special agreements or understandings with France such as we made in 1911–14, and they could only appeal to the "régime spécial" clause of the Act of Algeciras. This would not prevent them, however, from supporting us to the full extent of their ability.

Mr. Castle was certain that the United States Government would have no objection to a reference of the whole question to the League of Nations, although, of course, they could not actually join us in appealing to the League. If the League decided to take over and administer Tangier, the United States Government could easily find some way of associating themselves with the League. For instance, if the League were to appoint a committee to draft a statute for Tangier, there was no reason why an American expert should not be included in the committee; if the League decided to appoint a High Commissioner to administor Tangier in conjunction with the Diplomatic Corps there, the American agent would certainly be instructed to co-operate with his colleagues.

I told Mr. Castle that we proposed to do nothing for the moment but to wait and see whether the French proceeded with the adjudication of the Tangier harbour concession on the 9th November in the teeth of the protest which the American Government were joining the Spaniards and ourselves in making. Mr. Castle agreed that if the French did proceed with the adjudication, the American Government would look upon it as a sharp rebuff, and that would obviously be the moment to take up the whole question and insist on a proper settlement.

I was surprised to find how whole-heartedly Mr. Castle agreed with our views, and if he is really voicing Mr. Hughes's feelings it is very satisfactory.

G. H. VILLIERS.

Foreign Office, October 18, 1922.

[**W 8846/197/28**] No. 8.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received October 25.)

(No. 39.)
(Telegraphic.) *Tangier, October* 24, 1922.

FRENCH Minister writes to me from Paris that French Government are still awaiting invitation to London to discuss Tangier statute. Their negotiators are already appointed. He added that the French are quite ready, though they realise there are more urgent problems to settle at present. I think it important that there should be no misunderstanding, and that French should not be able to blame us for failure to summon conference, though I fully realise that owing to French state of mind conference would be doomed to failure. His Majesty's Ambassador at Paris can no doubt advise you more fully as to French position.

[**W 8859/197/28**] No. 9.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received October 25.)

(No. 40.)
(Telegraphic.) *Tangier, October* 25, 1922.

MY immediately preceding telegram.

I venture to urge advisability of summoning Tangier Conference at once, and if possible before port adjudication on 9th November. In event of probable failure to reach agreement, our way would be clear to refer to League of Nations. Perhaps preliminary conversation instead of a formal conference would disclose such disagreement in principle that we could at once suggest League of Nations.

I am somewhat anxious as to effect of French action on 9th November, followed by long delay in bringing whole question to a head. In view of Near Eastern crisis and possibility of general election, such delay would appear inevitable unless we act now.

[**W 9702/197/28**] No. 10

Sir A. Geddes to the Marquess Curzon of Kedleston.—(Received November 27.)

(No. 1249.)
My Lord, *Washington, November* 17, 1922.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 1580 of the 26th ultimo, containing the views of Mr. Castle, head of the Western European Section of the Department of State, regarding the future of Tangier.

While I fully appreciate the value of the opinion expressed by Mr. Castle, which is based upon a broad interpretation and understanding of international affairs, I would remind your Lordship of the wide divergence between such a view and the narrow-minded opinions held by men like Mr. La Follette and others in the Senate, which unfortunately carry so much weight in this country. It would therefore be unwise to repose an undue degree of confidence in Mr. Castle's somewhat optimistic references to the rôle which America is likely to play in future negotiations with regard to Tangier.

I have, &c.
(For the Ambassador),
H. G. CHILTON.

[W 10094/197/28] No. 11.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received December* 12.)

(No. 46.)
(Telegraphic.) *Tangier, December* 12, 1922.

MY telegrams Nos. 44 and 45.

I am much struck by recent change of attitude of local authorities. My French colleague, who has just returned from Paris, has suggested to me that we should have private and unofficial conversation with a view to helping our Governments to reach solution of Tangier question.

M. Malégarie came to-day and made similar suggestion with regard to port. Both are certainly acting under instructions, and action of my French colleague is an entirely new departure. It looks almost as if French Government were really anxious for a settlement. As in the case of President of the Council and Near East, attitude appears to be that there is no real difference of principle between us. I am, of course, being very cautious, but I trust that you will agree to my exploration of the ground with my French colleague, who clearly has instructions and seems to wish to make a friendly move. If you agree, would you object to my use of principles contained in Foreign Office memorandum of 27th May as my own private ideas.

Please reply as soon as possible.

[W 10094/197/28] No. 12.

The Marquess Curzon of Kedleston to Mr. Robertson (*Tangier*).

(No. 42.)
(Telegraphic.) *Foreign Office, December* 21, 1922.

YOUR telegram No. 46.

You are authorised to act as you propose on the definite condition that you make it clear to your French colleague and to M. Malégarie that any ideas you express or suggestions you put forward are your personal and unauthorised views. Any reference to participation of League of Nations in administration of Tangier should be in the vaguest terms.

[W 10381/197/28] No. 13.

Note by Sir Eyre Crowe.

THE French Ambassador, to my surprise, raised, in conversation with me to-day, the question of Tangier. He reminded me that the adjudication of the contract for the projected harbour works had, at our special request, been postponed by M. Poincaré. This postponement had, however, created great discontent among the commercial community at Tangier, and the officials of the French Chamber of Commerce there had sent in their resignation. It was clearly of importance in the general economic interest of Tangier, and the European traders established there, that the harbour should be constructed without much further delay. The French Government realised that the harbour question was connected with the whole problem of the status of Tangier itself; they therefore hoped that the conference to deal with it might be assembled as early as possible, and asked to be informed whether we should agree to this.

I said that we had always been anxious to get the Tangier question settled. A conference had been long contemplated, but had always been put off because there was no understanding between the parties which could serve even as a basis of discussion. I hoped, however, that a serious effort might be made to find such a common basis of discussion; and I felt sure that, once this was achieved, an agreement between the three Powers interested ought not to be difficult to arrive at. For the moment, however, it was quite impracticable to talk of a conference so long as Lord Curzon was detained at Lausanne; and I thought it would be admitted to be reasonable that, even when he returned, he must be allowed a little breathing space before he was plunged into another conference likely to put a great strain upon him. I therefore suggested that we should wait until Lord Curzon came back, and then consult with him as to what would be a convenient time for arranging a meeting on the Tangier question.

E. A. C.

Foreign Office, December 21, 1922.

[W 1/1/28] No. 14.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received December* 31.)

(No. 198.)
(Telegraphic.) R. *Madrid, December* 31, 1922.

I ASKED Minister for Foreign Affairs yesterday whether there was any truth in reports in Madrid press that question of Tangier might be discussed during conversations respecting Morocco affairs now going on in Madrid between French and Spanish Governments. He replied that there was none, that he had already ordered a denial to be inserted and that Spanish Government was as determined as His Majesty's Government to cling to programme of a discussion *à trois* regarding Tangier. Present Madrid discussions only referred to matters respecting two zones of Morocco, with regard to which co-operation between the two countries was very necessary. His Excellency then said he had noted in French press and in "Daily News" statements implying that Tangier question might be discussed in London at forthcoming inter-Allied meeting. I assured him that views of His Majesty's Government on this subject had not changed, and that they would certainly not engage in any discussion of the kind without Spain. I should be glad to give him an assurance in this sense from you. May I do so?

(b.) Tangier Port Concession.

[W 5566/72/28] No. 15.

Mr. Robertson to the Earl of Balfour.—(*Received July* 5.)

(No. 256. Very Confidential.)
My Lord, *Tangier, June* 23, 1922.

I HAVE the honour to report that my United States colleague came to see me this morning and informed me, in strict confidence, that the French agent told him yesterday, officially, that the United States would be granted a share in the Tangier Port Company. The amount of the share was not stated nor was the communication made in writing.

I have, &c.
ARNOLD ROBERTSON.

[W 6159/72/28] No. 16.

Sir M. Cheetham to the Earl of Balfour.—(*Received July* 24.)

(No. 1718.)
My Lord, *Paris, July* 21, 1922.

I HAVE the honour to transmit herewith copy of a *note verbale* from the French Ministry for Foreign Affairs enclosing a further memorandum on the subject of the proposed harbour works at Tangier. This document purports to be a reply to the memorandum enclosed in your despatch No. 1842 of the 16th June which Lord Hardinge, in accordance with your Lordship's instructions, handed to M. de Peretti, as reported in his despatch No. 1436 of the 17th June.

This latest communication adds practically nothing of value to the discussion of the question of the Tangier port. Most of its paragraphs consist of a repetition of views previously expressed, and appear to be intended, in view of the coming conference, to prove that the French standpoint has not been modified by the representations of His Majesty's Government. The final sentence asserts that the French Government do not intend to withdraw any of the measures which have been already taken, and against which we have protested.

I should say that, without further information than is at our disposal here, I cannot quite understand the statements made in paragraph 3 of the French note.

I have, &c.
MILNE CHEETHAM.

Enclosure 1 in No. 16.

French Government to British Embassy.

PAR sa note du 17 juin dernier, l'Ambassade de Sa Majesté britannique a transmis au Ministère des Affaires étrangères un mémorandum concernant la concession du port de Tanger.

En accusant réception de cette communication, le Ministère des Affaires étrangères a l'honneur de faire parvenir ci-inclus à l'Ambassade royale sa réponse à ce mémorandum. Il ne doute pas que le Foreign Office ne reconnaisse que Sa Majesté le Sultan du Maroc a agi dans la plénitude de son droit et dans l'intérêt du commerce international à Tanger.

Ministère des Affaires étrangères,
Paris, le 19 juillet 1922.

Enclosure 2 in No. 16.

Memorandum respecting Proposed Harbour Works at Tangier.

LE Ministère des Affaires étrangères a l'honneur de répondre ci-après au mémorandum du 17 juin relatif à la concession du port de Tanger :

1. C'est dans l'exercice légitime de ses droits souverains sur Tanger que le Sultan du Maroc a concédé à la Société internationale pour le Développement de Tanger, dans laquelle les capitaux britanniques sont représentés, la concession du port de Tanger.

Le Traité franco-allemand du 4 novembre 1911, auquel le Gouvernement de Sa Majesté a adhéré, dispose, en effet, dans son article 6, paragraphe 3, que "l'exploitation des grandes entreprises mentionnées ci-dessus (construction de routes, chemins de fer, *ports*, télégraphes, &c.) sera réservée à l'État marocain ou librement concédée par lui à des tiers . . . ." Le Ministère des Affaires étrangères a, d'autre part, exposé à plusieurs reprises au Gouvernement britannique les raisons pour lesquelles il ne paraissait pas possible de donner suite, en ce qui concerne le port de Tanger, au projet de concession préparé en 1914 avec le Gouvernement allemand, le Gouvernement espagnol et le Gouvernement britannique. Retarder encore la délivrance de la concession aurait été extrêmement préjudiciable au commerce international de Tanger, et les Chambres de Commerce britannique, espagnole et française de cette ville ont, à plusieurs reprises, fait connaître l'intérêt qu'elles portaient à la question du port. Le Gouvernement de la République n'a pas manqué, à ce sujet, de veiller à la stricte application de la règle d'égalité économique, en insérant dans la concession du port une clause d'après laquelle les fournitures et les travaux seraient soumis à la procédure de l'adjudication.

2. Le Gouvernement de la République s'explique d'autant moins les objections qui lui sont faites par le Gouvernement de Sa Majesté que, lorsqu'à une date récente, Sa Majesté chérifienne a accordé à l'État espagnol le droit de faire atterrir dans la baie de Tanger le câble d'Arzila, aucune protestation n'a été élevée à ce sujet par l'agent britannique à Tanger, ni en ce qui concerne la concession elle-même, ni en ce qui concerne l'exécution des travaux.

Aucune protestation n'a davantage été formulée par le représentant de Sa Majesté à Tanger quand le Sultan, dans la plénitude de son autorité, a concédé à un groupe espagnol le droit d'établir une madrague dans les eaux tangéroises.

3. Il résulte des renseignements parvenus au Ministère des Affaires étrangères qu'un seul des deux représentants des Puissances à la Commission générale des Adjudications s'est prononcé contre la procédure employée. La séance du 22 juin a été levée sans qu'il y ait eu ni vote, ni ajournement à une date ultérieure. Aucune mesure n'a été prise en conformité des dispositions du dernier paragraphe de l'article 4 du règlement sur les adjudications, faisant appel au Corps diplomatique de la décision prise et permettant à celui-ci de faire connaître son avis sur le bien-fondé de l'adjudication.

4. Le Gouvernement de la République ne peut que faire connaître à nouveau son sentiment sur le fond de la question ; ainsi qu'il a été dit plus haut, le Sultan a agi dans la plénitude de son autorité et conformément à des précédents récents en accordant une concession de port à la Société internationale pour le Développement de Tanger. Le Gouvernement marocain n'a en vue, dans cette circonstance, que le bien-être de la ville et la satisfaction du commerce international.

Il a déjà été exposé que la décision du Maghzen d'accorder une importante garantie

d'intérêts, qui seule peut permettre l'exécution des travaux du port, avait pour condition qu'une majorité fût réservée à des intérêts français et à des intérêts marocains, mais, sous réserve de cette condition dont on ne peut contester le bien-fondé, toutes mesures seront prises pour donner au Gouvernement royal la preuve que le Gouvernement marocain pas plus que le Gouvernement français n'ont agi dans un intérêt égoïste, et qu'ils ne poursuivent que le bien commun de toutes colonies européennes de Tanger, en même temps que le développement de la prospérité du pays.

Il est revenu au Ministère des Affaires étrangères que le Gouvernement britannique craignait que le Gouvernement marocain ne fît usage au bout de quinze ans du droit de rachat qu'il s'est réservé. Il a déjà été exposé que cette mesure avait été prise, non pas dans l'intérêt du Gouvernement marocain, mais dans l'intérêt général. On ne refusera pas d'examiner une prolongation du délai avant lequel le rachat serait impossible.

D'autre part, le Gouvernement britannique désirerait qu'il fût permis à la nouvelle municipalité de se faire entendre si la compagnie du port n'exécutait pas son contrat à la satisfaction du commerce local. Des mesures pourront être prises pour créer un organisme représentant la collectivité tangéroise qui serait admis à faire entendre ses réclamations et à exprimer ses vœux. Le Gouvernement de la République ne saurait également trop insister sur ce point, qu'il a déclaré à plusieurs reprises de la façon la plus nette, qu'au cas où, dans le futur statut de la ville, des dispositions seraient édictées qui ne seraient pas en harmonie avec les clauses du contrat de concession du port, les clauses de ce contrat seraient modifiées et mises en harmonie avec le statut de la municipalité.

Toutes ces dispositions, qui affirment à nouveau l'absolue bonne foi et l'entière bonne volonté du Gouvernement chérifien et du Gouvernement protecteur, doivent donner au Gouvernement britannique tous apaisements. Le Gouvernement de la République ne doute pas que, mieux informé, le Gouvernement de Sa Majesté ne reconnaisse la légalité des mesures qui ont été prises, ainsi que le but que cherche à atteindre le dahir du 2 juin 1921.

Le Gouvernement français ne peut, dans ces conditions, provoquer en aucune façon le retrait des mesures prises, et il lui semble que si un reproche peut lui être adressé, c'est d'avoir trop tardé à provoquer une mesure qui doit donner toute satisfaction au commerce international et aux colonies européennes de Tanger trop longtemps délaissées.

Paris, le 1922.

[W 6159/72/28] No. 17.

The Earl of Balfour to Mr. Chilton (Washington).

(No. 242.)
(Telegraphic.) *Foreign Office, July* 31, 1922.

YOU will have learnt from the "Morocco" print sections the history of the Tangier port works concession since last summer.

We have just received from the French Government, in reply to our last protest, a note in which they maintain their former standpoint and declare their intention to proceed on the lines against which we have consistently protested.

The State Department at Washington have been kept fully informed of the situation by the present American agent at Tangier and his predecessor, and we understand that they are as much opposed to the methods followed in granting the concession as we are. But whilst we believe that they have protested through the United States agent to the French protectorate authorities at Rabat, we do not know whether their views have been communicated direct to the French Government in Paris. In our opinion, nothing short of this is likely to produce any effect.

The grounds on which we oppose the concession are not precisely the same as those of the United States Government, and we do not like to ask them point-blank to make representations in Paris, but I leave it to your discretion to find a means of leading them to do so. You might perhaps inform the competent United States officials of the attitude of the French Government, and point out that if the United States Government and His Majesty's Government are not to be faced with a *fait accompli* this autumn, prompt and vigorous action at Paris seems essential. His Majesty's Government are renewing and maintaining their protest. It would obviously be to the advantage of United States interests if the United States Government could see their way to take a similar step in unequivocal terms.

[W 6159/72/28] No. 18.

The Earl of Balfour to Sir M. Cheetham (Paris).

(No. 2409.)
Sir, *Foreign Office, August* 1, 1922.

I HAVE received your despatch No. 1718, enclosing a copy of a *note verbale* from the French Ministry for Foreign Affairs on the subject of the proposed construction of harbour works at Tangier.

2. With the exception of paragraph 3, which is a technical quibble on a matter of secondary importance, the French note is nothing but a repetition of arguments previously advanced, and which His Majesty's Government have already refuted. There would thus be no advantage in addressing a detailed reply to the French Government, but in order to avoid any possibility of a misunderstanding, I request that you will inform them that His Majesty's Government renew and maintain their protest against the grant of the concession and the publication by the Sultan's representative at Tangier of the notice inviting tenders for the work.

I am, &c.
BALFOUR.

[W 6510/72/28] No. 19.

Mr. Chilton to the Earl of Balfour.—(Received August 3)

(No. 308.)
(Telegraphic.) *Washington, August* 2, 1922.

YOUR telegram No. 242 : Tangier.

Member of my staff this morning spoke to head of Western Division of State Department and left *aide-mémoire* outlining our position. Mr. Castle volunteered information that United States Government had so far only protested at Rabat, but that they did not intend to let matter rest there. They objected to flouting of Diplomatic Body, to preponderance of French interests in Société nationale and to fact that concession granted was for term of ninety-nine years. They understood that question was to be discussed during forthcoming visit of French Premier to London, and were awaiting word of result. They had been similarly approached by Italians, Spaniards and Netherlands.

If question is not to be raised during M. Poincaré's visit, I should be glad to be informed as soon as possible. If it is to be raised I gather that State Department would be glad if American Ambassador were afforded an opportunity to participate in discussions. Despatch follows.

[W 7195/197/28] No. 20.

The Marquess Curzon of Kedleston to Sir A. Geddes (Washington).

(No. 1401.)
Sir, *Foreign Office, September* 5, 1922.

I LEARNT with satisfaction from Mr. Chilton's telegram No 308 and his despatch No. 923 of the 2nd and 3rd ultimo respectively, that the United States Government share the view taken by His Majesty's Government and the Spanish Government in the matter of the Tangier harbour concession. I trust that by now the United States Government will have decided to follow up the protest they have already made at Rabat by strong representations in Paris.

2. It has occurred to me that joint and simultaneous representations at Paris by the three Governments might produce a greater effect than isolated action by each of them. If your Excellency sees no objection I should be glad if you would sound the United States Government on the point, and suggest to them the desirability of joint action. I do not propose to say anything to the Spanish Government until I learn the views of the United States Government.

I am, &c.
CURZON OF KEDLESTON.

[W 7886/72/28] No. 21.

Sir A. Geddes to the Marquess Curzon of Kedleston.—(Received September 21.)

(No. 364.)
(Telegraphic.) R. *Washington, September* 20, 1922.

YOUR despatch No. 1401.

State Department have just despatched by post to United States Ambassador at Paris detailed instructions for launching protest in regard to Tangier harbour concessions. Resident-General is considering your proposal for joint representations, but it is improbable that they will return reply on this point until after return of Secretary of State, early next week.

[W 7951/72/28] No. 22.

Sir A. Geddes to the Marquess Curzon of Kedleston.—(Received September 25.)

(No. 1046.)
My Lord, *Washington, September* 14, 1922.

WITH reference to your Lordship's despatch No. 1296 of the 12th August, and to previous correspondence on the subject of Tangier harbour works concession, no effort has been spared by this Embassy to ensure that the question may be taken up by the United States Government at Paris. I myself recently took an opportunity to raise the question in the course of conversation with the Acting Secretary of State, while one of the first secretaries of His Majesty's Embassy has repeatedly approached Mr. Castle, chief of the Western European Division of the State Department, unofficially with a view to ascertaining what was being done. Indeed, at Mr. Castle's request, and in order to demonstrate the action which has been already taken by His Majesty's Government, Mr. Peterson recently left with Mr. Castle, in the strictest confidence, copies of Lord Hardinge's despatches to your Lordship, Nos. 243, 595, 946 and 1436 of the 27th January, the 9th March, the 13th April and the 17th June, respectively, together with copies of Sir M. Cheetham's despatch No. 1718 of the 21st July, and of the Earl of Balfour's despatch to Lord Hardinge, No. 1842 of the 16th June.

In returning these documents to-day, Mr. Castle told Mr. Peterson that he thought he could say that the United States Government would undertake a strong *démarche* at Paris "very soon."

I have, &c.
(For the Ambassador),
MAURICE PETERSON.

[W 8143/72/28] No. 23.

Mr. Codrington to the Marquess Curzon of Kedleston.—(Received September 29.)

(No. 381.)
My Lord, *Tangier, September* 21, 1922.

I RECEIVED this morning from the Public Works Department two printed copies of the "dossier d'adjudication" of the Tangier port works. Of these I have the honour to transmit to your Lordship herewith one copy.* the other I am retaining for use at this agency. The papers contained in the dossier are, presumably, identical with the typewritten edition, the only available copy of which was forwarded to your Lordship in Mr. Robertson's despatch No. 271 of the 8th July.

2. There continues to be every indication that the French authorities intend to carry through the adjudication of the port works on the 9th November, though local opinion regards the adjudication as an empty form. It is considered a foregone conclusion that the contract will be given to a French firm, and many people even go so far as to assert that the French authorities have already selected the company which is to receive the contract, and that engineers are already on the spot studying the project.

I have, &c.
W. M. CODRINGTON.

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* Not printed.

[W 8155/72/28] No. 24.

Mr. Codrington to the Marquess Curzon of Kedleston.—(*Received September* 29.)

(No. 382.)

My Lord, *Tangier, September* 22, 1922.

ARTICLE 3 of the convention granting the concession for the port of Tangier to the Société internationale pour le Développement de Tanger lays down that within three months after the final approval of the concession the company shall constitute a new limited company under French or Moroccan law, and transfer to it all the rights and obligations conferred by the concession. The substitution of the new limited liability company for the original private company apparently took place on the 18th July last, and I have the honour to transmit to your Lordship herewith an extract from a recent issue of the "Dépêche marocaine,"* giving the articles of association which were approved at an extraordinary general meeting of the shareholders held on the 18th July.

2. The new articles at first sight appear to call for little comment; I intend, however, to discuss them with representative members of the commercial community in Tangier, and I will address a further despatch to your Lordship should it appear necessary to draw attention to any points of detail. It is the avowed intention of the French Government to maintain complete control over the port company, and to use it as a means for establishing their economic supremacy in Tangier; that the articles of association should be designed to facilitate this proceeding is no matter for surprise. Thus the functions of the port company are not confined to building and managing the port, but include every operation connected with the handling of ships, goods and passengers within the limits of the concession. The company is also to control the use of the Makhzen property, and reclaimed land within the limits of the concession; thus, at one stroke, depriving any future municipality of one of its most valuable assets, and rendering it easy to prevent British steamship agents or merchants acquiring offices or stores in the area most suited for these purposes.

3. The ordinary shares are at present nominative, and can only be transferred with the permission of the board of directors; but they can, with the approval of the Shereefian Government, be converted into bearer shares by resolution passed at a general meeting, and they would then be transferable at will. There is thus no guarantee that even the present so-called "international" distribution of the capital of the company will have any permanence.

4. A new class of preferred ordinary ("parts bénéficiaires") bearer shares is created, half of which, together with 100,000 fr. in cash, are paid in consideration for an option on certain lands, and the benefit of certain preliminary works and services. The holders of these shares are formed into a private association which safeguards their rights in any questions which may arise from subsequent increases of the capital of the company, but neither individually nor as a body have they any part in the administration of the company.

5. The ordinary and preferred ordinary shares of the company are entitled to a fixed dividend of 6½ per cent. Five per cent. of the remainder of the profits must be placed to reserve till the latter amounts to one-tenth of the authorised capital. The net profits, after making the above deductions, are to be divided as follows:—

20 per cent. to the board of directors.
50 per cent. to the ordinary shareholders.
30 per cent. to the holders of the preferred ordinary shares ("parts bénéficiaires").

I have, &c.
W. M. CODRINGTON.

[W 8249/72/28] No. 25.

Sir A. Geddes to the Marquess Curzon of Kedleston.—(*Received October* 3.)

(No. 396.)

(Telegraphic.) R. *Washington, October* 2, 1922.

MY telegram No. 364: Tangier concession.

United States Chargé d'Affaires in Paris is being instructed to consult British and Spanish Embassies, and to address simultaneous representations to French Government.

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* Not printed.

[W 8249/72/28] No. 26.

Sir W. Tyrrell to M. Merry del Val.

My dear Ambassador, *Foreign Office, October* 4, 1922.

A FRESH development has occurred since our conversation yesterday on the subject of the Tangier Harbour Concession, when we discussed the proposal of the Spanish Government that the Spanish and British Ambassadors at Paris should make a joint communication to the French Government to the effect that, if the French protectorate authorities persist in carrying out the construction of the port, the Spanish and British Governments will refuse to recognise the validity of the concession.

A telegram has arrived from our Ambassador at Washington stating that the United States Chargé d'Affaires at Paris is being instructed to consult the Spanish and British Ambassadors with a view of addressing simultaneous representations to the French Government in regard to the harbour concession. We are inclined to think that such a step *à trois* will probably prove more effective than the joint Spanish and British communication which your Excellency mentioned yesterday, in ignorance, of course, at the time of the intentions of the United States Government. Lord Curzon has therefore telegraphed to Sir Esme Howard to request the Spanish Government to instruct the Spanish Ambassador at Paris, without delay, to join in the proposed representations.

If you agree, I should be very grateful if you would be so good as to use your influence with your Government to secure their acceptance of this proposal. As you are aware, the adjudication of the harbour concession is fixed for the 9th November next, and we have therefore not much time to lose if our representations are to produce any effect.

Believe me,
Yours very sincerely,
W. TYRRELL.

[W 8249/72/28] No. 27.

The Marquess Curzon of Kedleston to Lord Hardinge (*Paris*).

(No. 3023.)

My Lord, *Foreign Office, October* 5, 1922.

WITH reference to my despatch No. 2764 of the 5th ultimo, I transmit herewith a copy of a telegram from His Majesty's Ambassador at Washington stating that the United States Chargé d'Affaires at Paris is being instructed to consult the Spanish and British Ambassadors with a view of addressing simultaneous representations to the French Government in regard to the Tangier Harbour Concession. From the enclosed copy of a telegram which I have addressed to His Majesty's Ambassador at Madrid your Lordship will observe that the Spanish Government are being urged to send immediate instructions to their Ambassador at Paris to join in the proposed representations.

2. I request that your Lordship will concert with your two colleagues and arrange, with as little delay as possible, to address a joint protest to the French Government. The text of the many communications which you have recently had occasion to make on this subject will provide you with the necessary material for the purpose.

I am, &c.
CURZON OF KEDLESTON.

Enclosure in No. 27.

The Marquess Curzon of Kedleston to Sir E. Howard (*Madrid*).

(No. 93.)

(Telegraphic.) R. *Foreign Office, October* 4, 1922.

MY despatch No. 1401 of 5th September to Washington.

Sir A. Geddes reports that the United States Chargé d'Affaires in Paris is being instructed to consult his British and Spanish colleagues and to address simultaneous representations to French Government on subject of Tangier Harbour Concession.

Please ask Spanish Government to send immediate instructions to Spanish Ambassador in Paris to join in proposed representations. As adjudication of harbour contract is fixed for 9th November, there is not much time to lose if representations are to produce any effect.

[W 8406/72/28] No. 28.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received October* 7.)

(No. 154.)
(Telegraphic.) R. *Madrid, October* 7, 1922.

YOUR telegram No. 93.

Instructions in the sense desired are being sent to-day to Spanish Ambassador in Paris. Minister for Foreign Affairs, in informing me of above, expresses sincere thanks of Spanish Government for friendly disposition of His Majesty's Government in this matter.

[W 8532/72/28] No. 29.

Mr. Codrington to the Marquess Curzon of Kedleston.—(*Received October* 13.)

(No. 392.)
My Lord, *Tangier, October* 6, 1922.

WITH reference to your Lordship's despatch No. 441 of the 28th ultimo, I have the honour to report that there is at present every indication that on the 9th November the French authorities will carry out their intention of adjudicating the contract for the Tangier port works. As they maintain that they were in any case under no obligation to submit the contract to public adjudication, the manner in which they carry out the necessary formalities in the probable absence from the Adjudication Commission of the delegates representing the Diplomatic Body is of little moment; presumably the Sultan's representative will simply be instructed to ignore their absence and open the tender or tenders himself with the assistance, no doubt, of M. Malégarie, the Engineer-in-Chief of the Public Works Department.

2. Little doubt is felt here that the opening of the tenders will be nothing more than an empty form, since it is confidently expected that only one firm will submit an offer, namely, Messrs. Hersent, a French company, who had already made all their preliminary investigations at the request of the port company before it was decided to put the contract to adjudication.

3. It is by no means certain that work will be started as soon as the contract is given. Indeed information received from a fairly reliable source indicates that that is not the wish of the French Government, who possibly desire to defer the risk of possible incidents such as occurred in connection with the Madrague dispute in 1921. The main object would rather seem to be to confirm the *fait accompli* which they have already forced on the Powers in regard to the grant of the original concession. When the contract for the works has been duly given to Messrs. Hersent, and the latter have started to incur preliminary expenses, the French authorities will no doubt claim that there are practical and financial difficulties which prevent any material modification of the original concession. Likewise, any attempt to modify the plan of the port, or the manner in which it is to be conducted, whether made by Governments in the course of a Tangier Conference, or by a municipality subsequently established, would be met with the argument that it is impossible to alter in any way the terms either of the concession granted to the port company, or the contract entered into with the engineers, on account of the insuperable financial obstacles to such a course.

4. In the meanwhile, in the absence of any news of action by the Powers in support of the attitude adopted by their representatives in regard to the posting of the adjudication notices, local opinion shows an inclination to examine the details of the present scheme so far as they are known to the general public. I have the honour to transmit herewith, as an annex to this despatch, a short note of the main points to which my attention has been directed. Consideration of the facts set out therein confirms the view that the present port scheme has been designed not so much to afford the Tangier zone the harbour facilities she needs so urgently, as to establish

once and for all, and in a manner which no future settlement of the Tangier question can affect, the complete political and economic preponderance of France in the zone.

5. It was largely the feeling that the port scheme prejudged the Tangier question in a sense favourable to France, and that the installation of the port company was merely an intermediate stage in the transfer of the Tangier zone to unfettered French control, which moved His Majesty's Government to protest to the French Government when the grant of the concession was first announced. Admission of the right of the Sultan under French orders to prescribe the manner in which the port of Tangier should be built and administered, would render it difficult to protest effectively against other more important acts of unrestricted sovereignty in the Tangier zone. If the French Government find that the policy of presenting the other Powers with a *fait accompli*, as they have done in the case of the port concession, finds the latter disunited and incapable of effective opposition, they may well attempt to solve the problem of the future status of Tangier in a sense favourable to French aspirations, by the simple process of issuing a Sultan's dahir setting up a municipality with restricted functions, such as was outlined in M. Briand's note of the 15th December, 1921 (enclosed in Sir M. Cheetham's despatch No. 3526 to your Lordship of the 16th December, 1921). Apart from this wider issue, there are certain points in the port concession and "cahier des charges" which have the effect of determining in advance the nature of the solution of the Tangier question, and which may be briefly summarised as follows:—

(i.) In the "port zone," enclosed within the boundary wall, the company would be practically autonomous. It would have its own police (article 30 of the "cahier des charges"), be exempt from taxes (article 15 of the convention), exercise the rights of the Shereefian Government regarding the expropriation of privately owned lands (article 10 of the "cahier des charges"), and in general share with the Shereefian Government the exercise of its sovereign rights. The powers of any future municipality would therefore only be fully effective outside the port zone.

(ii.) The Makhzen lands handed over to the company (article 2 of the "cahier des charges") are believed to be of considerable value; these properties, together with land to be reclaimed in the course of constructing the harbour would have constituted one of the most valuable assets of the future municipality; robbed of these, the chance of the latter being able to raise a loan, or furnish a guarantee of bonds, for the construction of a port, is very sensibly reduced.

(iii.) The works at present contemplated provide very slightly increased port facilities. No extension of the port could be made by the future municipality or could be made without the consent of the protectorate authorities. This would naturally not be given were there any chance of Tangier competing successfully with Kenitra or other ports of the French zone. The economic future of Tangier, on which the finances of the municipality will depend, is thus left in the hands of the protectorate Government.

6. If the port concession effectively prejudges the Tangier question it is equally certain that it is impossible to make any modification in its terms which would ensure control by the future international authority until the nature and resources of that authority are determined. In paragraph 2 of your Lordship's despatch No. 16 of the 12th January, 1922, the chief object of His Majesty's Government is stated to be: "To ensure that the Société internationale shall not, by the assignment of the majority of the shares, be under French control, and that the position of the future international municipality at Tangier should not be prejudiced. They consider it essential that the control of the harbour should eventually be in the hands of the international authority, and not in those of the French protectorate authorities." I venture to suggest that the complete control of all the operations of the company which is assured to the Shereefian Government under the terms of the concession is but their natural and unassailable right so long as they are allowed to guarantee the interest on the 35,000,000 fr. of bonds which are to be issued to pay for the port works. This control will be far more effective than any which could be exercised by the board of the company, even were the whole of the share-capital held by British subjects, and all the directors of British nationality. Without the consent of the Shereefian Government as guarantor of the bonds, or of the Commission de Contrôle as its representative, the company can take none of the steps which might adversely affect British commercial or political interests. Decisions on all questions such as sales or lettings of the lands vested in the port company, variations in the scales of dues, issue of further bonds to pay for extensions of the port, issue of all regulations

necessary to give effect to the "cahier des charges" (see article 17 of the "cahier des charges"), can only be taken with the approval of the Shereefian Government.

7. The only way, therefore, to substitute effective control by the future international authority for control by the protectorate Government is to replace the Makhzen by the municipality as guarantor of the 35,000,000 fr. of bonds. The ability of the municipality to undertake this obligation must depend on the extent of the powers and resources which are accorded to it under the future Tangier statutes. The opinion, however, is widely held locally that the remaining Makhzen lands, which will presumably pass to the municipality, are of considerable value, even taking account of the large sales to French subjects which have taken place in recent years with the connivance, if not active assistance of the French agency. To these should be added the value of the land reclaimed in the course of the construction of the port, and the customs receipts, the gross amount of which should not fall below 6,000,000 fr. in a normal year. For further details of the probable resources of the future municipality I have the honour to refer your Lordship to Mr. Robertson's despatch No. 265 of the 3rd July, 1922. These assets taken together would surely be regarded by any big firm of British contractors as adequate backing for a guarantee of the interest on 35,000,000 fr. of bonds, which, at 6½ per cent., amounts to under 2,000,000 fr. per annum. Should work be confined in the first instance to the construction of a long mole only (see annex to this despatch) the amount to be guaranteed would be considerably reduced, and should prove easily within the resources of the future municipality.

8. It seems essential, therefore, that within the next four weeks, before the date fixed for the adjudication of the port works, some means should be found for inducing the French Government to consent to a postponement of all action in connection with the port concession till the future status of Tangier can be settled at a conference to be summoned for that purpose. In the eyes of the Moors, the question of the port concession is bound up with that of the Statute of Tangier and the maintenance of British prestige in Morocco. They know that Great Britain protested against the grant of the concession, and that she demanded that the notices calling for tenders should be taken down. Those notices are, nevertheless, still conspicuously displayed at the Dar-el-Niaba, thus furnishing an object lesson of which the French agents are not slow to make use.

I have, &c.
W. M. CODRINGTON.

Annex.

Note on Main Points of Tangier Port Scheme.

UNTIL the trade of Tangier increases considerably, there is no vital need to make provision to enable vessels to come alongside quays, provided that a sheltered anchorage of sufficiently large area is secured. The "travaux de première urgence," which alone are in question at present, provide only a small sheltered area, while large sums of money are spent in making terrepleins, which are not so essential for the moment but which will undoubtedly produce considerable revenue. It is suggested that a better solution would be to confine the works to be undertaken immediately to the construction of the outer mole ("brise-lames extérieur") to its full length of 1,625 metres (including "traverse nord") in order that an adequate sheltered anchorage may be provided in which the transhipment of passengers and goods into lighters could be carried on in all weathers. The construction of terrepleins, wharves, &c., is not so urgent and could be carried out later. Taking the price given in the "Détail estimatif des Travaux" the cost of this length of mole should not exceed 20,500,000fr.

2. There is a strong disinclination to see the administration of the port controlled by officials of the protectorate Government. The bureaucracy of the French zone is at present far from popular, even among Frenchmen, and it is feared that high charges and low efficiency will result from the régime at present contemplated.

3. Though I have seen no detailed criticism of the maximum scale of dues laid down in the company's concession, the opinion is expressed that the due of 6 fr. to be levied on all passengers landed at Tangier is unnecessarily high. It is probable that the port authorities would not tolerate a rate of dues lower than that in force at ports in the French zone though these are considered to be unduly high in many

respects, and it is thought that the rest of the scale should be carefully examined in comparison with those in force in other Mediterranean ports, *e.g.*, Algiers.

4. The land handed over to the company by the Makhzen is very valuable. High prices will also undoubtedly be realised for plots of the reclaimed land. It is suggested that the port company will derive considerable profit from these sources, even after a share has been paid to the protectorate authorities as laid down in the "cahier des charges." It was probably the prospect of profits from this source which induced the Crédit Foncier to participate in the port company. It is felt that these profits should go to the municipality rather than to the credit of the protectorate budget and a rich French bank.

5. It is regarded as certain that there will be discrimination against British merchants and shipping agents in the allocation of sites for offices or stores in the area controlled by the port company.

[W 8780/72/28] No. 30.

Mr. Codrington to the Marquess Curzon of Kedleston.—(*Received October* 23.)

(No. 400.)
My Lord, *Tangier, October* 16, 1922.

WITH reference to paragraph 2 of my despatch No. 392 of the 6th instant, I have the honour to inform your Lordship that I now learn that the local representative of the port company has informed a British subject that eight French and one Belgian firms have requested that they may be inscribed on the list of competitors for the contract for carrying out the Tangier harbour works.

2. I regret that the information on this point which I furnished to your Lordship in my despatch under reference should have been incorrect, but I venture to point out that there is no possibility of knowing whether all the firms who have had themselves inscribed should be regarded as serious competitors for the contract.

I have, &c.
W. M. CODRINGTON.

[W 8781/72/28] No. 31.

Mr. Codrington to the Marquess Curzon of Kedleston.—(*Received October* 23.)

(No. 401. Confidential.)
My Lord, *Tangier, October* 17, 1922.

WITH reference to your Lordship's despatch No. 458 of the 9th instant, I have the honour to transmit herewith copies of two resolutions on the subject of the Tangier port question passed at a meeting of the British Community Committee at Tangier.

2. The formation of this committee was decided on at a meeting of the whole colony last June, which was addressed by His Majesty's Minister. It was elected by ballot from the whole community, every member of which, of either sex, over the age of 21 was eligible for election, while every British subject over the age of 18 was entitled to vote. The committee thus elected may be taken to be fairly representative of all classes of the British colony, and includes most of those who take an active part in the life of the community, and have property or business interests in the Tangier zone. The purpose of the committee is to represent the British colony in all matters affecting their interests, and, when necessary, speak in their name, not only to His Majesty's representative, but also to similar bodies representing the interests of other European colonies at Tangier.

3. Mr. Gerahty, the secretary of the committee, in handing me the first of these resolutions, informed me that all possible publicity was being given to it, and that he had been instructed to send a copy to the League of Nations. He pointed out that the continued uncertainty about the future of Tangier and the conditions under which the port was to be administered was causing members of the British community serious financial loss. The present corruption and chaos in the local administration, while no doubt favouring in some cases the extension of French interests, was an effective bar to the proper development of all trade and enterprise, the British share in which was by no means negligible. The interests of other nationalities were equally affected by the delay in the settlement of the Tangier question and the uncertainty whether work on the port would really be started in the near future, and it was the opinion of the

committee that most Frenchmen and Spaniards who had interests in Tangier would be in agreement with the terms of their resolution. The committee, though very anxious that the provision of increased harbour facilities should not be further delayed, viewed with dismay the possibility that the French would be able to carry out their intention of adjudicating the tenders for the necessary works on the 9th November, as that would amount to confirmation of the concession granted to the port company against which His Majesty's Government had protested so strongly.

I asked Mr. Gerahty whether he had taken any steps to ascertain the views of the other foreign communities. He replied that he had approached several individual members of both the French and Spanish colonies. The attitude of the former was that the successful adjudication of the port works on the 9th November could only be regarded by them as a foregone conclusion; if, however, the other Powers were able to prevent this, they would be willing to discuss the matter on the lines of the resolution passed by the British Committee. The Spaniards were inclined to be lethargic. In view of the support which had been accorded to the Spanish objections by His Majesty's Government, they assumed that the adjudication would not be allowed to take place. This belief was so strong that it was evident that little consideration had been given to the port question lately; there was little doubt, however, that the Spaniards would be prepared to support the British resolution.

4. Mr. Gerahty then handed me a second resolution, which, he stated, was being treated as confidential. The committee had no wish to adopt an alarmist attitude, and the last thing they wanted to do was to embarrass His Majesty's Government in any way. They felt, however, that the lesson of the *madrague* dispute could not be ignored, and that by passing a resolution asking that steps might be taken to provide protection for British interests and property they would not only warn His Majesty's Government of an eventuality which they hoped might not arise, but also direct attention to the serious view taken of the port question by those having interests in the Tangier zone. Mr. Gerahty added that he was specially instructed by the committee to impress on me that this resolution had been passed by them after a full discussion of the seriousness of the step they were taking.

5. I also have the honour to transmit to your Lordship copies of a letter from the British Chamber of Commerce at Tangier, expressing deep anxiety at the possibility that the French Government may succeed, in spite of the protests of other Powers, in putting into effect the present port concession.

6. It is clear that there is considerable anxiety among British residents with regard to what may happen on the date fixed for the adjudication of the contract for the harbour works. They are aware of the strong protests which have been addressed to the French Government on the subject, but past experience of French methods inspires them with little hope that serious attention will have been paid to diplomatic *démarches*; the high-handed action of the French authorities, in arresting British subjects in Tunis while the nationality decrees were still under discussion between the two Governments, has not tended to allay their fears. I myself have received no information pointing to the possibility of disturbances occurring; indeed, until recently, there has been little discussion of the port question locally, owing to the conviction that the Governments were bound to find a way out before the date fixed for the adjudication arrived.

7. The fact that the Spanish colony may for the present appear apathetic is no indication that they will remain quiescent if their belief that the adjudication will not take place proves in the end ill-founded, for in that event the idea might well gain prevalence that the honour of Spain was at stake. There are said to be about 8,000 Spaniards, mostly of the lower classes, in Tangier, many of them no doubt have fire-arms of one sort or another. M. Serrat, as your Lordship is aware, is a man of very excitable temperament, who can certainly not be relied on to exert his influence in the direction of peace. He has at his disposal the Spanish tabor of police, which, though less numerous, is at least as well disciplined as that at the disposal of the French. The history of the *madrague* dispute (see Sir Herbert White's despatch No. 167 of the 23rd April, 1921) indicates no great reluctance on either side to make use of these forces. What the attitude of the Moorish population might be in the event of disturbances it is impossible to say. Most of them dislike the French and despise the Spaniards. That they should remain passive spectators of any fracas that might occur between the nationals of two Christian Powers is perhaps more than could be expected.

8. With such inflammable material present, I consider that, in the event of no agreement between the Powers having been reached before the date of the adjudication,

the possibility of disturbances occurring in Tangier is one that should certainly not be disregarded, although as yet there is no positive indication of an intention on the part of any concerned to provoke them.

I have, &c.
WILLIAM CODRINGTON.

Enclosure 1 in No. 31.

British Community Committee, Tangier, to Mr. Codrington.

Sir, *Tangier, October* 13, 1922.

I HAVE the honour to submit the enclosed resolutions which were unanimously passed by the British Community Committee at a meeting held yesterday.

The committee instructs me to humbly request His Majesty's agent to present these resolutions to the British Government with as little delay as may be convenient to him.

I am, &c.
C. E. GERAHTY, *Hon. Sec.*

Resolutions.

I.

Seeing that the present chaos is causing loss to every one equally and that all nationalities ardently desire the establishment of a sane régime, giving full opportunity for local development,

And that there is agreement among all nationalities that harbour facilities should be improved,

And that in the interests of Tangier this improved port should be under the control of the future local Government,

We hereby resolve that the Governments principally interested be requested to nominate representatives to attend a conference at once to decide—

1. The future international régime.
2. The means by which the Tangier community shall be assured of the control of its chief economic asset, viz., the port, with unfettered power to manage it in local interests and to extend it when necessary in accordance with local needs.

II.

(Confidential.)

In view of the probable serious disturbances between French and Spanish factions on the occasion of the threatened adjudication of the port contract by the French, this committee considers that the presence of a small naval or military patrol would be very reassuring to the British colony here. Having in mind the situation at the time of the late *almadraba* dispute, it is clear that a very ugly crisis might arise.

Enclosure 2 in No. 31.

British Chamber of Commerce for Morocco to Mr. Codrington.

Sir, *Tangier, October* 10, 1922.

THE committee of this Chamber have instructed me to convey to you an expression of the deep anxiety with which they view the present position of the Tangier port scheme.

That scheme, based on a concession the validity of which is repudiated by all the Powers interested except France, and pushed to the point of the issue of tenders, in defiance of all international agreements and the protest of the Diplomatic Corps, is, so far as the public knows, on the road to realisation, and many tenders from French firms have, it is understood, already been received. The French authorities having shown

their contempt of all international restrictions on their liberty of action are apparently determined to carry their point by the mere assumption of the right to take such course as pleases them.

It is the committee's opinion that if success attend this unscrupulous action on the part of France, the future of Tangier will be beyond remedy compromised, and the ruin of all European interests other than French will prove a question only of time. In view of the leading part taken and the stand made by Great Britain in opposing the port scheme, the successful prosecution of it would be a crushing blow to her prestige locally, and all efforts of such bodies as this Chamber to uphold and stimulate British economic interests would be rendered futile. Its port placed under the proposed conditions in French hands, any internationalisation of Tangier that might afterwards be effected would be of no practical importance. Tangier would remain to all intents and purposes French, and British interests throughout Morocco would assuredly soon share the fate of those in the last foothold for British influence in Morocco.

Under these circumstances, the committee desire to appeal to you to lay their views, which are, they know, shared by all who have British interests in Morocco at heart, with such emphasis as you may be pleased to place, before His Majesty's Government in the hope that steps may yet be taken to prevent the success of an attempt to force French dominance on a town which France and all the Powers interested have long agreed shall be international.

I am, &c.
L. J. BROWN, *Secretary.*

[**W 8759/72/28**] No. **32.**

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received October* 23.)

(No. 2462.)

My Lord, *Paris, October* 21, 1922.

ON the receipt of your Lordship's despatch No. 3023 of the 5th October, in regard to the Tangier harbour concession, I consulted my Spanish and United States colleagues as to the representations to be made by us to the French Government. I found that the United States Chargé d'Affaires had already, on instructions from his Government, communicated to the Quai d'Orsay the despatch from the State Department, of which a copy is enclosed herein. The Spanish Ambassador, to whom I communicated the correspondence which has passed between M. Poincaré and myself on the subject, drew up a note to the French Government, of which I also have the honour to enclose a copy.* This note will be sent to the Quai d'Orsay to-day.

Being unable, owing to the circumstances described above, to obtain the actual collaboration of my two colleagues, I have thought it sufficient to address to M. Poincaré the communication which forms the second enclosure to this despatch. It appeared to me unnecessary to repeat the arguments contained in the notes which I have already addressed to him, and I have therefore confined myself to associating His Majesty's Government with the protest now made, in varying forms, by the Spanish and United States representatives here.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure 1 in No. 32.

Mr. Whitehouse to Lord Hardinge.

United States Embassy, Paris,
My dear Lord Hardinge, *October* 11, 1922.

I ENCLOSE a copy of my instructions in regard to the port of Tangier, about which you spoke to me this morning. I handed a copy to Peretti on Friday last.

Yours sincerely,
SHELDON WHITEHOUSE.

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* Not printed.

Secretary of State to Mr. Whitehouse.

Department of State, Washington,
Sir, *September* 21, 1922.

You will recall that on the 3rd January, 1922, the Embassy transmitted to the French Minister for Foreign Affairs a note stating that this Government considered that the grant by the Shereefian dahir of the 2nd June, 1921, of the concession to construct and administer the harbour works of Tangier to the Société internationale pour le Développement de Tanger was made contrary to the provisions of the Act of Algeciras.

M. Poincaré, in his reply of the 18th January, stated that the concession for the port of Tangier was granted by the Shereefian Government pursuant to the provisions of treaties in force, which were said to permit the Moroccan Government freely to grant large public enterprises on the condition that the grantee should put the construction and supplies up for public competition. M. Poincaré further stated that the terms of the dahir of the 2nd June, 1921, did not provide for such public competition owing to the fact that the Powers most interested in the concession had decided in 1914 that there should be no public competition for the work. M. Poincaré announced, however, that the terms of the concession would immediately be modified so as to provide for competition.

In conclusion, M. Poincaré quoted a statement by Mr. Henry White, on the 25th February, 1919, to the effect that the United States, in signing the Act of Algeciras, had declared that its sole desire was to assure free access to Morocco to the commerce of all nations, to facilitate its development and to increase its civilisation by maintaining friendly relations with Morocco, and that in 1919 the only questions in which the United States was interested in Morocco were the "open door" and cordial relations with Morocco.

Upon the receipt of this note this Government, although not in agreement with the position taken up by M. Poincaré, especially with regard to the alleged right of the Shereefian Government freely to grant concessions in Tangier under the terms of the treaties in force, decided to await further developments in regard to the port concession.

These developments have been such, however, that this Government deems it necessary again formally to make plain to the French Government its views on the subject of the port concession and the procedure by which it has been granted. As you are aware, the Secretary of State verbally explained to the French Ambassador at this capital, during a conversation on the 10th July, 1922, the attitude of the United States in this matter. As intimated by the statement of Mr. White, which was quoted by M. Poincaré, the preservation of the "open door," which was guaranteed to American and other foreign interests by the Act of Algeciras, is the chief concern of this country in Morocco as well as in other parts of the world where the "open door" principle has been established by international agreements or understandings.

The following statement of the attitude of the United States towards Moroccan affairs, made in the Department's note of the 13th February, 1914, to the French Ambassador at Washington, sets forth, even more clearly than does Mr. White's statement, the policy of this Government:—

> "As the main purpose of the United States in participating in the Algeciras Conference and in the adoption of the Act resulting therefrom was to preserve and increase its commerce in Morocco, this Government desires equal opportunities for American commercial interests not only to maintain their present standing in Morocco, but also the share in the country's commercial development."

The original project for an international company to develop the port of Tangier, and the procedure contemplated for putting it into effect, were first brought to this Government's attention by a despatch dated the 23rd May, 1914, from the American Chargé d'Affaires at Tangier, as follows:—

> "A commission of four technical delegates, designated respectively by the Governments of France, Spain, Germany and Great Britain, as the Powers principally interested, are to meet in Paris at the end of this month to examine the plans of the port drawn up by the Engineer-in-Chief of the Department of Public Works of Morocco. The 'cahier des charges' relating to the adjudication of the contract for the works of the port will simultaneously be submitted to the approval of this same technical commission. Following this, a report will be made by each of the technical delegates to their respective Governments, and in the

event of acceptance, the project will then be submitted for formal approval on the part of the Diplomatic Body in Tangier. Upon the final adoption of the project, the Sultan will issue a 'dahir' granting the concession of the port to an international company which has been formed for the purpose of financing the works and administering the harbour. The capital of this company has been raised in the following proportions: 30 per cent. by France, 20 per cent. by Great Britain, Spain and Germany respectively, and 10 per cent. open to contribution on the part of the other Powers. Italy, Belgium and Holland, I understand, have aleady taken up about 2 per cent. each.

"As soon as the formalities above noted have been completed, the contract for the construction of the port will be put up for international tender, in accordance with the provisions of the Act of Algeciras."

Attention is especially called to the procedure comtemplating submission of the project to the Diplomatic Body at Tangier before the issuance of a Shereefian dahir granting the concession. Such proceedure was in accordance with the Act of Algeciras, and consequently this Government, at that time, foresaw no objection to it. The project of 1914, however, was never realised owing to the outbreak of war.

It should be remembered that the United States has not been a party to any agreement modifying its rights in Tangier, under the Act of Algeciras, since 1914.

It was therefore with astonishment that this Government learned that on the 2nd June, 1921, without previous notice to the Diplomatic Body, the Shereefian Government had granted the port concession to the so-called international company, which had been revived in 1921, with 53 per cent. of the shares under the virtual direction of France. The submission of the project to the Diplomatic Body in Tangier, required by the Act of Algeciras, and contemplated in 1914 as a matter of course, was omitted. The American Diplomatic Agent at Tangier did not receive a copy of the Shereefian dahir of the 2nd June, 1921, indeed, until he had specifically requested it.

This disregard of the provisions of the Act of Algeciras was brought to the attention of the French Government by your note of the 3rd January, with the result mentioned above.

On the 8th June, 1922, the General Commission on Contracts at Tangier, composed of two Shereefian delegates, two delegates of the Diplomatic Corps, and one administrative delegate met, having been hurriedly and without previous notice called together to receive a communication from the engineer technical adviser of the Shereefian Government concerning the technical project of the construction of the port at Tangier, and concerning the date for the adjudication of the work.

The Secretary of the American Diplomatic Agency, who is one of the two delegates on this Commission from the Diplomatic Corps, stated at this meeting that the United States Government deemed the port concession in itself to be derogatory to the Act of Algeciras, that the French Government had been so informed, and that consequently he did not consider it proper to participate in any discussion in regard to the execution of the port concession. He therefore requested an adjournment until the matter could be discussed with his Government and until he could receive his Government's instructions.

His request being concurred in by his Italian colleague, the commission agreed that another meeting should be called on the 22nd June to give an opportunity for the Diplomatic Corps to arrive at a decision in the premises.

In spite of this action of the commission, the Sultan's representative, who is chairman, on the 12th June caused to be published and transmitted to the Diplomatic Corps a printed notice, signed by himself, that the adjudication of the contract for the port works would take place on the 9th November, 1922.

A meeting of the Diplomatic Corps at Tangier was immediately held, attended by all its members with the exception of the agent of France. A communication, of which a translation follows, was addressed to the president of the Commission of Adjudications, upon the unanimous resolution of the meeting:—

"I have the honour to inform you that the Diplomatic Corps, with the exception of the Diplomatic Agent of France, assembled on the 12th June under my presidency, has heard its delegates on the General Commission on Adjudications and Contracts. From the report presented by them, it results that at the meeting of said commission held on the 8th June no resolution was passed concerning the adjudication of the works for the construction of a port at Tangier. On the contrary, the commission decided to hold a new meeting on the 22nd June next,

at which the delegates of the Diplomatic Corps would make their eventual observations.

"Under these conditions, my colleagues have instructed me to express to you their astonishment at receiving a notice, published in the name of the commission, and fixing for the 9th November next the adjudication of the works in question.

"Setting aside all questions of principle relating to the granting of the concession, and without desiring to insist upon the lack of deference towards the Diplomatic Corps which the procedure might signify, my colleagues have requested me to make a formal protest against the publication of the above-mentioned notice, the validity of which they do not recognise.

"They have informed their respective Governments in this sense, and they suggest to your Excellency that it would be opportune to have this notice of adjudication withdrawn in view of the regrettable consequences it might be susceptible of entailing to private interests."

On the 23rd June the American Diplomatic Agent at Tangier addressed a note, a copy of which is transmitted herewith,* to the Sultan's representative at Tangier, stating that this Government considers the procedure adopted by the Shereefian Government in connection with the port concession to be a violation of the Act of Algeciras, with regard to public contracts and concessions. A copy of the reply of the Sultan's representative, dated the 6th July, is transmitted herewith.*

It will be observed that the most important feature of this reply has to do with the Franco-German Treaty of 1911, which, it is stated, "entirely relieved the Shereefian Government of the obligation to have recourse to adjudication for the granting of concessions." The reply further states that "the Government of the United States has adhered to the Protectorate Treaty of 1912, which implies recognition of principles contained in the aforementioned treaty." These statements appear to be in line with that concerning treaties in force made by M. Poincaré in his note of the 18th January.

This Government has repeatedly pointed out to the French Government, both formally and informally, that it has never adhered to the Protectorate Treaty of 1912.

The recognition of the French protectorate in the French zone of Morocco by this Government in its note of the 15th January, 1917, to the French Ambassador at this capital did not constitute an adhesion to the Franco-Moroccan Treaty of the 30th March, 1912, nor did this Government by this or any other act adhere to the Franco-German Agreement of the 4th February, 1911, which preceded the Treaty of Protectorate. On the contrary, this Government, in a note of the 15th December, 1911, informed the French Ambassador that its adhesion to the Franco-German Agreement "would involve a modification of our existing treaty rights with Morocco, which, under our Constitution, could only be done by and with the advice and consent of the United States Senate."

Consequently, the rights of the United States under the Act of Algeciras, with regard to concessions for public works in Tangier, remain unimpaired by any subsequent special agreements to which this Government is not a party.

Without answering in detail the specific arguments advanced by the Sultan's representative in his note of the 6th July, it is pointed out that the regulations drawn up under the Act of Algeciras to provide for the award of contracts for public works obviously contemplate the application of the principle of the public award, after competition, of all contracts or concessions for public works, whether such works are to be paid for out of the special fund or otherwise. In place of the special commission, to which must be submitted contracts for work to be paid for out of the special fund, there is established, under the regulations for the awarding of contracts in general, a special commission called the General Commission on Contracts. On this commission the Diplomatic Body is represented by two delegates, and provision is made for the reference to the whole Diplomatic Body of any objections raised by these delegates. The preamble and pertinent articles of these regulations for the award of contracts in general are quoted below:—

"In view of the general Act of Algeciras, and particularly article 61, providing that part of the receipts from the tax to be levied on city buildings shall be devoted to the needs of municipal roads and hygiene, and in general to the expenses of improvement and keeping up of cities; article 74, relative to the letting out of the tobacco, opium and Kief monopolies; and articles 105 to 109 inclusive, relating to public services, supplies and works; and considering that, according to article 110, it is necessary to determine the formalities and general

* Not printed.

conditions to which the awarding of contracts in the Empire shall be subject, the following regulations have been prepared in accordance with the agreement reached between the Shereefian delegation and the Diplomatic Corps :—

"ARTICLE 1.

"The public works executed in the cases provided for in articles 61, 74, and 105 to 109 inclusive of the general Act of Algeciras shall be declared to be of public utility on a request being made to the Makhzen, accompanied by plans in its support, by the commission provided for in article 4 below.

"ARTICLE 2.

"All awards and contracts for work, supplies and transportation mentioned in the cases contemplated in article 1 shall be subject to the rules contained in the regulations on awarding of contracts for work to be paid for out of the special fund, as modified in the ensuing articles.

"ARTICLE 4.

"In place of the special committee organised in accordance with article 1 of the regulations on the awarding of contracts for work to be paid for out of the special fund, there shall be a Shereefian Commission, called the General Commission on Contracts, composed as follows :—

"Two Shereefian delegates, two delegates of the Diplomatic Corps and one delegate from the administrative department concerned.

"At the request of one of its members, this commission shall have attached to it a technical expert to be chosen by it and who shall have a consulting voice. He shall perform the duties prescribed for the engineer in the aforementioned regulations. . . . .

"In case the delegates of the Diplomatic Corps should consider that the adoption of a proposition would constitute a violation of the provisions of the General Act of Algeciras, they shall make their objection in the form of a written declaration. Before taking a vote, the president of the commission shall submit the question thus raised to the Diplomatic Corps, which shall give its opinion regarding the validity of the objection within a period not to exceed fifteen days.

"ARTICLE 5.

"When it is necessary to call for bids or conclude direct bargains regarding the matters referred to in article 1, the Makhzen shall notify the General Commission, which shall have the interested administrative department prepare plans and specifications and submit them to the approval of the Makhzen.

"These documents shall contain the general provisions relating to the job, and specially . . . .

"Besides these general conditions, special conditions regarding bargains for supplies, monopolies and transportation may be inserted in the specifications, but without contravening the rule laid down in article 109 of the Act of Algeciras . . . .

"ARTICLE 8.

"In case of the awarding of monopolies or supply contracts, the award shall be made to the highest bidder, or to the one asking the lowest price per unit fixed in the specifications, or to the one making the greatest reduction, or asking the lowest price for the whole supply."

Notwithstanding the express provisions, especially article 4, of these regulations, the port concession itself was apparently never submitted to the commission, and the notice of adjudication was issued irrespective of the protest of the diplomatic members of the commission. Thus there appears to have been a double violation of the letter of regulations drawn up under the Act of Algeciras, and also a violation of the spirit of that Act.

This Government is unable to reconcile the above enumerated actions of

the Shereefian authorities with the final paragraph of M. Poincaré's note of the 18th January, in which he assures this Government that the régime of the "open door" remains in force in Morocco. The manner in which the port concession has been handled gives this Government cause for grave apprehension lest it be the purpose of the Shereefian Government, with the encouragement and support of the French Government to disregard the express provisions of the Act of Algeciras in future cases which may arise affecting American interests in Morocco.

This Government is further firmly of the opinion that the granting of an exclusive port concession at Tangier to a company, a majority of whose shares are controlled by one nation, taken in conjunction with the fact that this company is granted administrative control of the port for ninety-nine years, is a violation of the principle of the "open door" established by the Act of Algeciras.

The United States Government, as a signatory of the Act of Algeciras, is unable, under the Constitution of the United States, to view with equanimity violations of that Act, and hence has no other course open to it than to communicate with other signatory Powers with a view to taking common counsel regarding action that may be taken for the protection of the principle of the "open door," and of the rights of the United States.

You may hand a copy of this instruction, together with its enclosures, to M Poincaré, with the request that he make known to you at the earliest practicable moment the policy of the French Government with respect to the questions herein rarsed

I am, &c.
WILLIAM PHILLIPS,
Acting Secretary of State.

Enclosure 2 in No. 32.

Lord Hardinge to M. Poincaré.

M. le Président du Conseil, *Paris, October* 21, 1922.

I HAVE the honour, under instructions from His Majesty's Secretary of State for Foreign Affairs, to associate myself with the representations which have been addressed to your Excellency by the American representative in Paris, and with the note of the Spanish Ambassador of this date in regard to the proposed construction of harbour works at Tangier. It is unnecessary for me to repeat the arguments which I have, by the order of my Government, put forward in my frequent communications to your Excellency on this subject; but I am instructed to take this opportunity of formally renewing and maintaining, in conjunction with the representatives of Spain and the United States, the protest of His Majesy's Government against the grant of the concession, and the publication by the Sultan's representative at Tangier of the notice inviting tenders for the work.

I have, &c.
HARDINGE OF PENSHURST.

[**W 8759/72/28**] No. 33.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 3260.)

My Lord, *Foreign Office, October 30,* 1922.

I HAVE received your despatch No. 2462 of the 21st instant, and I approve the terms of your Lordship's note to the French Government on the subject of the Tangier Harbour Concession.

I am, &c.
CURZON OF KEDLESTON.

[W 8781/72/28] No. 34.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 495.)

Sir, *Foreign Office, October* 31, 1922.

SINCE the receipt of Mr. Codrington's despatch No. 401 of the 17th instant, transmitting copies of resolutions by the British Community Committee at Tangier and of a letter from the British Chamber of Commerce for Morocco on the subject of the Tangier Port Concession, the question of a Tangier Conference has been raised by the French Government. I propose shortly to address you on this subject in a subsequent despatch.

2. Meanwhile, I am not clear what exactly the Community Committee mean by their request for the presence of a small naval or military patrol, but in any event the landing at Tangier of any armed force is out of the question since, apart from other objections, it would be more likely to provoke than to prevent disorders. The danger of occurrences liable to imperil British lives and property can hardly be such as to warrant even the despatch of a warship at this stage, but if an emergency of the sort did eventually arise there should be no difficulty in arranging for a vessel to be sent from Gibraltar at short notice.

3. In the meantime, I request that you will formally acknowledge the receipt of the two resolutions, and will inform the Chamber of Commerce and the Community Committee that they may rest assured that His Majesty's Government will be mindful of their views whenever an international discussion for the settlement of the Tangier question materialises.

I am, &c.
CURZON OF KEDLESTON.

[W 9077/72/28] No. 35.

Lord Hardinge to the Marquess Curzon of Kedleston.—(Received November 2.)

(No. 2550.)

My Lord, *Paris, November* 1, 1922.

WITH reference to my despatch No. 2462 of the 21st October, I have the honour to transmit herewith to your Lordship copy of a note which I have received from the President of the Council, in reply to that which I addressed to him on the 21st ultimo. You will notice from the contents of this note that M. Poincaré simply rejects all the arguments hitherto put forward, and maintains the legality of the attitude of the French Government.

As I have already stated on a previous occasion, I am of opinion that to address communications to the French Government on the subject of Tangier and Moroccan policy is a pure waste of time. The question now arises as to what further steps should be taken. I have this morning discussed the matter with the Spanish Ambassador, and we are agreed that it is absolutely essential that joint action should be taken at Tangier before the adjudication of the port of Tangier concession takes place on the 9th of this month, and that a joint and formal protest against the legality of the proceedings should be addressed by the British, Spanish and, if possible, by the United States representatives at Tangier, immediately before the adjudication takes place. Further, it is very desirable that the conference on the question of Tangier should meet as soon as circumstances permit, and, if possible, that invitations to such a conference in London should be issued by your Lordship for a date not too far distant. It is probable that the conference will prove abortive, but the British and Spanish Governments will know then at least where they stand, and it is not unlikely that the French Government may hesitate before they place the two above-mentioned Governments in an absolutely irreconcilable position on the Moroccan question.

I have also the honour to enclose a copy of the French reply to the Spanish note which I had the honour to forward in my despatch No. 2462, together with a short note by the Spanish Ambassador upon the two Spanish concessions to which reference is made in the French note. It is to be remarked that the juridical side of the question, to which special reference was made in the Spanish note, has been ignored in the reply of the Quai d'Orsay.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure 1 in No. 35.

M. Poincaré to Lord Hardinge.

Ministère des Affaires étrangères,

M. l'Ambassadeur, *Paris, le* 30 *octobre* 1922.

PAR sa lettre du 21 de ce mois, votre Excellence a bien voulu me faire savoir que le Gouvernement de Sa Majesté britannique s'associait à la manière de voir que le Chargé d'Affaires des États-Unis et l'Ambassadeur d'Espagne à Paris ont exposée à mon Département en ce qui concerne l'adjudication imminente de travaux de port à Tanger.

Le Gouvernement de Sa Majesté renouvelle formellement et maintient ses protestations antérieures.

J'ai l'honneur de prier votre Excellence de bien vouloir se reporter aux considérations que je lui ai exposées à ce sujet à plusieurs reprises, et notamment le 30 mai dernier. Le Gouvernement de la République ne peut provoquer le retrait de mesures qui ont été décidées par Sa Majesté chérifienne. Il a, en effet, la conviction qu'il soutient dans cette circonstance, en même temps que les droits incontestables du Gouvernement chérifienne, les intérêts du commerce de toutes les nations à Tanger.

Les préoccupations du Gouvernement de Sa Majesté ne me paraissent pas justifiées : au point de vue économique, contrairement au projet de 1914, il a été fait appel aux constructeurs de toutes les nations et tous les délais ont été consentis ; au point de vue politique, si certaines dispositions de l'acte de concession ne concordaient pas avec les clauses du futur statut de Tanger, le Gouvernement de la République s'appliquerait volontiers, le moment venu, à mettre en harmonie les clauses de la concession et les dispositions du statut.

Veuillez, &c.
R. POINCARÉ.

Enclosure 2 in No. 35.

M. Poincaré to M. de León.

M. l'Ambassadeur, *Paris, le* 28 *octobre* 1922.

PAR sa lettre du 21 octobre dernier, votre Excellence a bien voulu me rappeler les objections du Gouvernement royal à la concession du port de Tanger et demander à nouveau l'annulation de la mise en adjudication des travaux du port. J'ai l'honneur de rappeller à votre Excellence les arguments qui légitiment la manière de voir du Gouvernement de la République dans cette affaire. Le Gouvernement chérifien a agi dans la plénitude de son droit, en accordant à une société internationale, dans laquelle des capitaux espagnols sont représentés, la concession de travaux de port à Tanger. Le droit du Gouvernement chérifien est d'autant moins contestable que, à plusieurs reprises, il a accordé des concessions dans la région de Tanger. Je signale ici la concession accordée au Gouvernement espagnol de faire atterrir dans la baie de Tanger le câble d'Arzila et la concession récemment accordée à M. Juan Martín d'établir une madrague dans les eaux tangéroises. Ces deux concessions ont été accordées sans l'intervention du Corps diplomatique de Tanger. Votre Excellence rappelle qu'en 1914, il avait eté prévu que la concession de travaux de port à Tanger serait soumise à l'examen du Corps diplomatique. Il est exact que l'avis du Corps diplomatique était admis dans cette circonstance, mais il convient d'ajouter qu'il était également stipulé que la société concessionnaire exécuterait elle-même les travaux du port sans recourir à l'adjudication. La guerre étant survenue, il a paru légitime au Gouvernement chérifien de reprendre l'affaire sur les bases ordinaires et de traiter la concession du port comme ont été traitées la concession du câble et la concession de la madrague. Le droit commun, c'est-à-dire la mise en adjudication par le concessionnaire des travaux et des fournitures, est appliqué et, dans ces conditions, il n'a plus paru nécessaire de soumettre l'affaire au Corps diplomatique. Le Gouvernement marocain ne peut que regretter au surplus que les administrateurs espagnols de la société n'aient pas voulu prendre une part plus active aux travaux de la société. Il leur aurait été loisible de donner à leurs collègues français des avis et des conseils dont il aurait été certainement tenu le plus grand compte. Votre Excellence a bien voulu rappeler elle-même que, lors de l'établissement du statut de Tanger, si certaines dispositions de l'acte de concession ne concordaient pas avec les clauses du statut, le Gouvernement de la

République s'emploierait très volontiers à provoquer la mise en harmonie de la concession et des dispositions du statut. Le Ministère des Affaires étrangères, en renouvelant ses assurances à ce sujet, rappelle qu'en 1914 les travaux de la Commission du Port étaient en étroite corrélation avec l'élaboration du statut de Tanger. Or, il n'a pas dépendu de la France que l'ensemble de la question, sur lequel les Gouvernements français et anglais s'étaient mis d'accord, n'ait été réglé dès cette époque. Je dois ajouter, en terminant, qu'alors que certaines protestations ont été élevées contre la longue durée de la concession, une Puissance a, au contraire, protesté contre le droit de rachat prévu au bout de quinze ans en faveur de l'État chérifien. Je serais très obligé à votre Excellence de bien vouloir porter les indications qui précèdent à la connaissance du Gouvernement royal, et je serais heureux qu'un nouvel examen de la question lui permet de reconnaître que les travaux projetées à Tanger sont appelés à servir les intérêts du commerce international, et que tout retard soulèverait les plus légitimes protestations. Il n'est pas possible, dans ces conditions, au Gouvernement de la République de provoquer le retrait de décisions qui ont été prises par Sa Majesté chérifienne dans la plénitude de ses droits et conformément à des précédents dont ont heureusement bénéficié l'État espagnol et l'industrie espagnole.

Veuillez agréer, &c.

R. POINCARÉ.

Enclosure 3 in No. 35.

Note by the Spanish Ambassador.

LA question de l'atterrissage à Tanger du câble espagnol Arzila–Tanger, a un caractère totalement différent de celui de la concession des travaux du port. L'atterrissage était impérieusement exigé par les nécessités des opérations engagées contre les Riffains révoltés, et c'est pour éviter les difficultés qui commençaient à être soulevées, que l'agent diplomatique de l'Espagne exprima au naïb du Sultan à Tanger, comme autorité de fait locale, l'espoir qu'il ne s'opposerait pas à l'atterrissage.

Le Gouvernement de Sa Majesté a formellement déclaré à l'Ambassade de France à Madrid que cette démarche ne pouvait pas être considérée comme une demande d'autorisation adressée au Sultan, et elle ne peut donc pas être invoquée dans l'affaire du port de Tanger. L'Ambassadeur d'Espagne à Londres a donné connaissance au Foreign Office de ce qui précède par une note du 20 juillet 1922.

La concession de la madrague a été sollicitée à titre purement personnel par le concessionnaire. Malgré l'autorisation accordée, des difficultés de toutes sortes ont été postérieurement soulevées ; divers intérêts français et autres ont manifesté le désir d'y prendre part.

Ambassade d'Espagne, Paris.

[W 9077/72/28] No. 36.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 404.) [By Bag.]
(Telegraphic.) *Foreign Office, November* 4, 1922.

YOUR despatch No. 2550 of 1st November : Tangier harbour concession.

I agree with your view that we must take some decisive action before 9th November, but it is worth while making a last effort to save the situation. Please obtain an immediate interview with M. Poincaré, and point out to him how exceedingly unfortunate it is that His Majesty's Government should be forced into an attitude of open opposition to the French Government at the very moment when, with a change of Government in this country, we hoped for a return to more cordial and intimate relations with the French Government. His Majesty's Government view the prospect with the greatest concern and regret, but the importance of the question leaves them no alternative if the French Government maintain their present attitude of absolute intransigence. You should appeal to M. Poincaré as strongly as you can to postpone, if he will not definitely cancel, the proposed adjudication until after the Near East Conference. If he will not consent, you should inform him that you will, under instructions from me, have to intimate officially to the French Government in writing

that His Majesty's Government do not recognise the validity of the concession granted by the Sultan of Morocco to the Société pour le Développement de Tanger, and that consequently they regard the proceedings of the Adjudication Commission as entirely illegal, and any contract awarded by that body as null and void ; and that the widest publicity will be given to the above in the press and elsewhere.

Please inform your Spanish and American colleagues of the result of your interview with M. Poincaré. If it is unsatisfactory, you should urge them to telegraph at once to their Governments for authority to make a formal intimation in writing to the French Government in similar terms to that which you are instructed to make, and, if possible, simultaneously.

I am communicating the substance of this telegram to the Spanish Ambassador here.

[W 9166/72/28] No. 37.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received November* 6.)

(No. 563.) [By Bag.]
(Telegraphic.) R. *Paris, November* 5, 1922.

YOUR Lordship's telegram No. 404 of yesterday.

I called upon M. Poincaré at 10 o'clock this morning and I impressed upon him how unfortunate it would be if His Majesty's Government were forced into an attitude of open opposition to the French Government on the question of the Tangier port concession immediately after the formation of Mr. Bonar Law's Ministry, and at a moment when public opinion in England was very anxious for a return to the former state of friendly relations with France.

M. Poincaré remarked that he had held his own against all the Powers interested in the Tangier port concession because he considered that the French Government were absolutely in their right in this question and that it was one which interested a large section of the Chamber, and any concession on his part would be adversely criticised and resented not only in the Chamber but also in the country, and in particular at Tangier. He remarked that he had received, only quite recently, a Mahommedan deputation urging the French Government to maintain their attitude towards this concession, which was of vital importance to the Moorish community and to the French railway in Morocco.

As I saw that there was no hope of obtaining his agreement to cancel the adjudication, I pressed him very hard to obtain its postponement until after the Near Eastern Conference. M. Poincaré replied that he was always making concessions to the British Government and obtained nothing in return. He pointed out that if they made this concession he would find himself again at the Peace Conference making further concessions to His Majesty's Government in connection with the Near Eastern policy, and he had no sort of assurance of any support to be received from the British Government when the conference on reparations and inter-Allied debts assembles at Brussels in December. To this I could only reply that the postponement of the adjudication and the close working of the two Governments at the Near Eastern Conference would certainly tend to a more friendly consideration of mutual interests at the forthcoming conference in Brussels, and without reading the latter part of your Lordship's telegram to M. Poincaré I hinted that I had instructions which could not fail to be disagreeable to the French Government and which I hoped I should not be compelled to carry out.

M. Poincare finally asked me whether, if he delayed in the adjudication, he could announce it as a concession made as a welcome to the new Government established in England. I replied that I was fully authorised to agree to his saying that it was a concession made at the request of His Majesty's Government with a view to the consolidation of more friendly and intimate relations than had recently existed between the two Governments. M. Poincaré added that he could not give me an immediate answer as he would like to look into the matter once more, but he promised me a reply during the course of to-morrow. I shall be disappointed if he rejects the suggestion of postponement of the adjudication.

[W 9177/72/28] No. 38.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received November* 6.)

(No. 565.) [By Telephone.]
(Telegraphic.) *Paris, November* 6, 1922.

MY telegram No. 563.

I have just received a friendly note from M. Poincaré stating that he agrees to postponement of adjudication of Tangier port concession till after the close of Lausanne Conference. He adds that this step is taken in order to avoid the semblance of any disagreement between the two Governments on the eve of the conference.

(Copy by bag to-night.)

[W 9199/72/28] No. 39.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received November* 7.)

(No. 2586.)
My Lord, *Paris, November* 6, 1922.

WITH reference to your Lordship's telegram No. 404 of the 4th instant, I have the honour to transmit to your Lordship herewith copy of a note which I have just received from M. Poincaré in reply to the verbal representations which I made to his Excellency yesterday on the subject of the adjudication of the port concession of Tangier. M. Poincaré in this note reiterates his contention that the grant of the concession is of vital importance to French interests in Morocco, and that he cannot abandon his decision to put the concession up to adjudication. As, however, there remain still certain financial questions to be settled with Marshal Lyautey, and, in view of the appeal which your Lordship instructed me to make in the name of Franco-British *accord*, M. Poincaré states that he will agree to a postponement until the close of the Lausanne Conference. M. Poincaré adds that he is happy thus to be able to remove even any semblance of lack of harmony between the two Governments on the eve of the Conference of Lausanne. This temporary adjournment of the question may be regarded as so far satisfactory in that it will at least give time to consider what should be the further steps to be taken in this matter. M. Poincaré, however, as your Lordship will observe, does not confine himself in his note to the subject of Tangier, but raises the question of Anglo-French policy at Lausanne and at Brussels.

Taking the Near East first, M. Poincaré, after alluding to the difficulties likely to be encountered at Lausanne, maintains the view that close co-operation between His Majesty's Government and the French Government is essential if the outbreak of a war is to be avoided, in which in all probability the Kemalists will be supported by Russia. The former, according to the information received by M. Poincaré, are still impressed with their own strength, and the Allied Powers will not be able to stop them by threats or by naval or military demonstrations. M. Poincaré therefore considers it highly desirable that the French Government and His Majesty's Government should agree before the conference opens as to the course to be followed.

M. Poincaré, unfortunately, gives no decisive information of what in his opinion that course should be, but one may conclude from the previous sentence in his note that he is not likely to recommend an energetic one. He has encouraged the Kemalists to such extent that he now realises that they are entirely out of hand and full of overweening arrogance in their attitude towards the Allies, including France He knows that public opinion in France, when the facts of the Kemalist pretensions are known, will resent the concessions that he is ready to make to the Angora Government for fear of the conflict that might ensue. He is therefore anxious to concert with His Majesty's Government to see how far they will be ready to go in making similar concessions, but, while willing at the conference to support His Majesty's Government as far as possible by adopting a bold and united front with them, he will undoubtedly give way to the Turks at the last moment rather than provoke a conflict with them. There are, however, indications that M. Poincaré will not enjoy the unqualified support of French public opinion in pursuing a policy of that nature. In any case it seems desirable that there should at least be some conversations between the two Governments as to the course of action to be followed at Lausanne.

The second question on which M. Poincaré suggests the desirability of agreement is that of reparations and the forthcoming Brussels Conference. M. Poincaré expresses

the hope that His Majesty's Government will assist the French in obtaining, by means of a general settlement, the reparations to which they are entitled, and they will in a friendly spirit associate themselves with France in taking guarantees and pledges, should events compel such action.

I do not know to what extent the propositions which the German Government have placed before Reparations Commission at Berlin will be regarded by that body as satisfactory, but public opinion here, through the press, is being prepared for the ill-success of the visit, and is being led to pin all its faith on the forthcoming conference at Brussels on the grounds that there alone will a general settlement of reparations be possible, inasmuch as there for the first time the question of inter-Allied debts will be discussed simultaneously with reparations. There have been growing signs lately among educated people, bankers, members of the Ministry of Finance and even of the Quai d'Orsay, of a realisation that France can in present circumstances expect no cash payments from Germany, and very small payments in kind. This opinion is not yet shared by the masses of the French people, for the reason that the Government have not had the courage to admit it, and that consequently no important newspaper has alluded thereto. The main holders of this opinion with whom I have spoken, illogically enough consider that the only solution left to France is the seizure of the Ruhr and the "organisation" of the left bank of the Rhine; though most, if pressed, are unable to explain how either of these measures will bring France the cash required to meet her budgetary deficit or the expenses incurred by her in restoring the devastated regions. A considerable portion of the press are also demanding that, if the Brussels Conference fails, these two measures shall be put into execution. M. Poincaré is himself meanwhile understood to take the position that, if a settlement of the problem of inter-Allied debts can be reached, which will result in the scaling down of French external obligations, he would agree to a substantial, if not to a *pro rata*, reduction in the amount of Germany's bill for reparations.

I cannot help feeling that in this matter time is on our side, and that we may hope that French public opinion will accept other solutions which may be put forward. I doubt, moreover, whether M. Poincaré, when the time came, would have the courage to put his threats into execution unless he has the prior consent of His Majesty's Government. I therefore venture to suggest to your Lordship the desirability of leaving this portion of M. Poincaré's note unanswered.

Since writing the above, I have just learnt from my Spanish colleague that the American Ambassador, whom I have so far not had time to inform of the contents of of M. Poincaré's note of this morning, has, under instructions from his Government, addressed a further note to the French Government protesting against the proposed adjudication. I will not fail to obtain full details from Mr. Herrick of the action which he has taken, and which cannot fail to be beneficial, as indicating the interest which the United States Government take in the future of Tangier.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 39.

M. Poincaré to Lord Hardinge.

Ministère des Affaires étrangères, Paris,
M. l'Ambassadeur, *le* 6 *novembre* 1922.

AU nom du Gouvernement britannique, vous m'avez fait l'honneur de me demander si le Gouvernement français ne pourrait consentir à ajourner l'adjudication des travaux du port de Tanger jusqu'à la fin de la Conférence de Lausanne. Vous m'avez fait remarquer que le nouveau Cabinet de Londres, tout récemment installé et animé des dispositions les plus amicales envers la France, regretterait d'avoir, dès le début, un différend public avec le Cabinet de Paris sur une question à laquelle il ne peut s'empêcher d'attribuer une grande importance. Vous avez ajouté que vous me demandiez cette concession passagère dans l'intérêt futur de l'Entente et en raison des intentions cordiales du Gouvernement présidé par l'Honorable Mr. Bonar Law.

Pour déférer au désir que vous m'avez si courtoisement exprimé, j'ai examiné de nouveau l'affaire dont vous m'aviez saisi. Comme je vous l'avais déjà écrit, et comme je vous l'ai répété verbalement, elle présente un intérêt capital, non seulement pour la ville et pour la population de Tanger, mais aussi pour la zone française du Maroc et pour le chemin de fer, dont le port doit assurer le trafic. Il me serait, par conséquent,

impossible de renoncer au projet d'adjudication, et la nécessité d'aboutir rapidement est telle que la date avait été fixée au 9, malgré certaines difficultés qui resteraient à régler avec les services financiers de notre protectorat. En raison de ces difficultés mêmes, je veux bien accepter une courte remise, mais je ne pourrais certainement la justifier devant l'opinion française si elle dépassait le temps strictement nécessaire à l'examen et à la solution des questions financières qu'a soulevées le Maréchal Lyautey. Ce délai correspondra à peu près, en effet, à celui que propose le Gouvernement anglais, et il me sera ainsi agréable de pouvoir écarter l'ombre même d'un nuage entre nos deux Gouvernements au moment où va s'ouvrir la Conférence de Lausanne.

Je souhaite vivement que la concession que fait aujourd'hui le Gouvernement français au Gouvernement britannique apparaisse à celui-ci comme un témoignage de mes intentions amicales. J'espère bien qu'à Lausanne l'Angleterre et la France pourront travailler, d'un commun accord, au rétablissement définitif de la paix en Orient. Comme je vous l'ai dit, je crois que notre œuvre sera très difficile et qu'il faudra maintenir entre nous une union très étroite, si nous voulons à la fois défendre les intérêts des nations européennes en Turquie et empêcher le recommencement d'une guerre où tout porte à supposer que la Russie soutiendrait maintenant les Kémalistes. D'après l'ensemble des renseignements qui me sont fournis, ces derniers continuent à penser qu'ils sont les plus forts et ce n'est pas par des menaces ni par des démonstrations navales ou militaires que nous pourrons les arrêter. Nous n'arriverions par là qu'à les irriter et à les surexciter, sans les désarmer. Il sera donc désirable que nous puissions nous entendre sur la marche à suivre avant que la conférence commence effectivement ses travaux.

J'espère, enfin, que nous pourrons établir le même accord à la Conférence de Bruxelles sur la question des réparations. C'est, vous le savez, le problème qui préoccupe le plus la France. L'accueil fait à la Commission des Réparations par le Gouvernement du Reich ne justifie que trop les observations réitérées que le Gouvernement de la République a présentées depuis de longs mois à ses Alliés. Je ne doute pas que le Gouvernement britannique ne nous aide à obtenir enfin, dans un règlement d'ensemble, les réparations auxquelles nous avons droit, et qu'il ne s'associe amicalement à nous, même si les événements nous mettent dans l'obligation de prendre, pour sauvegarder notre créance, des garanties et des gages.

Veuillez, &c.
R. POINCARÉ.

[W 9215/72/28] No. 40.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received November* 8.)

(No. 2588.)

HIS Majesty's Ambassador at Paris presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note to the United States Ambassador from M. Poincaré respecting the Tangier port concession.

Paris, November 7, 1922.

Enclosure 1 in No. 40.

Mr. Herrick to Lord Hardinge.

United States Embassy, Paris,
November 4, 1922.

My dear Ambassador,

I HASTEN to acknowledge, with thanks, your letter of the 1st November, enclosing copy of a note, dated the 30th October, from M. Poincaré in reply to your communication concerning the Tangier Harbour concession. As of possible interest to you, I enclose herewith copy of a note which I have received from M. Poincaré on the same subject.

With assurances of my high regard, &c.

W. MYRON HERRICK.

Enclosure 2 in No. 40.

M. Poincaré to Mr. Herrick.

Ministère des Affaires étrangères, Paris,
le 28 octobre 1922.

M. l'Ambassadeur,

MR. SHELDON WHITEHOUSE a bien voulu me communiquer la lettre qu'il a reçue du Gouvernement américain au sujet de la question du port de Tanger.

J'ai l'honneur de faire parvenir, ci-inclus, à votre Excellence la réponse de mon Département.

Veuillez agréer, &c.
POINCARÉ.

Enclosure 3 in No. 40.

Reply of the French Government.

COMME le sait le Secrétaire d'État, à la date du 2 juin 1921, un dahir du Sultan du Maroc a accordé la concession de travaux de port à Tanger à la Société internationale pour le Développement de Tanger.

Les objections du Gouvernement américan à cette concession se rapportent à deux ordres de faits principaux :

Cette concession a été accordée contrairement aux dispositions de l'Acte d'Algésiras, sans l'adhésion du Corps diplomatique, et elle viole le principe de la porte ouverte en accordant à une Puissance une prépondérance jugée excessive dans l'administration de la société.

On rappelle ici que si l'Acte d'Algésiras a disposé que les concessions de travaux publics au Maroc devaient être accordées par adjudication, l'article 6 de l'Accord franco-allemand de 1911, qui a rendu possible le traité de protectorat, établit que le Sultan choisira librement le concessionnaire des grands travaux publics, sous l'obligation pour ce concessionnaire de mettre en adjudication les travaux et les fournitures. Ces dispositions sont appliquées depuis onze années dans le Maroc tout entier sans avoir suscité jusqu'ici aucune réclamation. Les dispositions de l'accord de 1911 relatives à la liberté économique ont été rigoureusement observées dans l'affaire du port : les délais nécessaires ont été consentis, afin que des soumissionnaires de toutes nationalités—et parmi eux des entrepreneurs américains—puissent faire en temps utile leurs offres à l'administration compétente.

La réclamation du Gouvernement américain contre l'exercice par le Sultan de son droit d'accorder à un groupe international une concession de port à Tanger sans l'autorisation du Corps diplomatique ne peut que provoquer la suprise du Ministère des Affaires étrangères. Plusieurs concessions ont été, en effet, accordées à Tanger par Sa Majesté chérifienne sans soulever aucune protestation de la Légation des États-Unis. En 1920, deux concessions ont été accordées, l'une à l'État espagnol, lui donnant le droit de faire atterrir un câble dans la baie de Tanger, l'autre à un ressortissant espagnol (M. Juan Martin), lui donnant une concession de pêcheries dans la baie de Tanger.

D'autres concessions vont être vraisemblablement accordées à des ressortissants autres que des Français dans la région de Tanger et ne paraissent pas davantage soulever d'objections de la part du Corps diplomatique.

En ce qui concerne la prépondérance de l'élément français dans la société concessionnaire, le Ministère des Affaires étrangères croit devoir rappeler les conditions dans lesquelles a été constituée la société du port : 30 pour cent du capital ont été accordés en 1910 à des intérêts français ; 20 pour cent à des intérêts espagnols ; 20 pour cent à des intérêts allemands ; 20 pour cent à des intérêts anglais, les 10 pour cent restant ayant été répartis entre des capitalistes de toutes nationalités, parmi lesquels il ne semble pas qu'aucun intérêt américain ait demandé à être représenté. Le Gouvernement morocain, qui accorde une importante garantie d'intérêts à la compagnie du port pour lui permettre d'effectuer des travaux dont le commerce international tout entier est appelé à bénéficier, a demandé que les parts allemandes et austro-allemandes soient intégralement réservées à des capitaux français ou marocains. Cette demande a paru trop juste pour être écartée, et elle est, d'ailleurs, strictement d'accord avec l'abandon qu'ont fait les Allemands de tous leurs droits au Maroc conformément aux dispositions du Traité de Versailles.

Le Ministère des Affaires étrangères, au surplus, a déjà fait savoir qu'il verrait avec plaisir qu'une participation dans le capital de la société du port fût prise par des capitalistes américains et qu'un Américain figurât parmi les membres du conseil de la société. Il ne peut que renouveler le vœu qu'il a déjà formulé à cet égard et au sujet duquel il serait heureux de connaître l'avis du Gouvernement de Washington.

Le Gouvernement des États-Unis paraît trouver excessif que la concession ait été donné à la société du port pour une durée de quatre-vingt-dix-neuf ans.

Le Ministère des Affaires étrangères doit faire remarquer à ce sujet qu'un des trois points de protestation du Gouvernement britannique contre la concession est précisément le droit de rachat au bout de quinze années en faveur de l'État chérifien.

Le Ministère des Affaires étrangères se plaît à espérer que les explications qui précèdent donneront tous apaisements au Secrétariat d'État. Il rappelle, d'ailleurs, que, lorsque le statut de Tanger aura été adopté, si les dispositions de l'Acte de concession du port ne sont pas en harmonie avec ce statut, il provoquera volontiers l'ajustement de l'acte de concession avec les dispositions du statut.

Il compte que toutes instructions seront adressées à la Légation d'Amérique au Maroc pour cesser son opposition à la concession du port de Tanger. Ces instructions, il n'en veut pas douter, seront conformes aux traditions des États-Unis en matière de politique marocaine et répondront à l'attitude amicale que la France n'a cessé d'observer dans différentes régions du continent américain et de la côte occidentale d'Afrique toutes les fois qu'un intérêt spécial politique américain était en jeu.

[**W 9177/72/28**] No. 41.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 3350.)

My Lord, *Foreign Office, November* 8, 1922.

I LEARNT with satisfaction from your telephone message of the 5th instant that your appeal to M. Poincaré had been successful, and I request that you will convey to him my thanks for agreeing to defer until after the Lausanne Conference the proposed adjudication of contracts for harbour works in Tangier.

2. His Majesty's Government, however, must not expose themselves hereafter to the reproach that they renew the protest which they were previously satisfied to drop provided nothing were done before the conference. I request, therefore, that your Lordship will explain to M. Poincaré, in order to avoid any future misunderstanding, that His Majesty's Government continue to hold as entirely invalid the concession for the harbour works and the proceedings of the Adjudication Commission, and that they cannot allow the impression to be created that they are fully satisfied by the mere postponement to a later date of an action which they regard in itself as illegal and unfriendly.

I am, &c.

CURZON OF KEDLESTON.

[**W 9291/72/28**] No. 42.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received November* 10.)

(No. 2611.)

HIS Majesty's Ambassador at Paris presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs and has the honour to transmit herewith copy of a note from the United States Ambassador to M. Poincaré respecting the Tangier port concession.

Paris, November 9, 1922.

Enclosure 1 in No. 42

Mr. Herrick to Lord Hardinge.

My dear Ambassador, *United States Embassy, Paris, November* 7, 1922.

WITH reference to previous correspondence concerning the question of the Tangier port concession, I take pleasure in transmitting herewith enclosed a copy of my note of the 6th November to M. Poincaré.

With warm personal regards, &c.

MYRON T. HERRICK.

Enclosure 2 in No. 42.

Mr. Herrick to M. Poincaré.

Excellency, *United States Embassy, Paris, November* 6, 1922.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 28th October, relative to the question of the Tangier port concession.

Your Excellency transmitted therewith the reply of your Department to the Embassy's communication transmitted to you, received from the Secretary of State in Washington, dated the 21st September, 1922.

The United States Government protested that the concession for the port works at Tangier to the Société internationale pour le Développement de Tanger was granted contrary to the provisions of the Act of Algeciras in that it was granted without the approval of the Diplomatic Corps.

In reply, your Excellency's Department maintains that if the Act of Algeciras has provided that concessions for public works in Morocco should be granted by adjudication, article 6 of the Franco-German Agreement of 1911, which rendered possible the Protectorate Treaty, states that the Sultan shall freely choose the concessionaire of important public works, under obligation that the said concessionaire should call for bids on the works and supplies. The protest of the United States Government against the exercise by the Sultan of his rights to grant to an international group a concession for the port of Tangier, without the authorisation of the Diplomatic Corps, causes surprise to the Ministry for Foreign Affairs.

In reply, I am directed, pursuant to instructions from the Secretary of State, once more to call your Excellency's attention to the representations made by the United States Government in this case, notably to those contained in the instruction of the 21st September, to which your note makes reply.

I beg to repeat to your Excellency that the United States has not been a party to any agreement modifying its rights in Tangier under the Act of Algeciras since 1914, and that the United States Government considers the procedure adopted by the Shereefian Government in connection with the port concession to be a violation of the Act of Algeciras with regard to public contracts and concessions.

With reference to the Franco-German Treaty of 1911 and to the Protectorate Treaty of 1912, I am instructed to remind your Excellency that the United States Government has repeatedly pointed out to the French Government, both formally and informally, that it has never adhered to the Protectorate Treaty of 1912.

In conclusion, I also desire to refer once more to a statement made in the Department's instruction of the 21st September, in which it is stated that the United States, in a note of the 15th December, 1911, informed the French Ambassador that its adhesion to the Franco-German Agreement "would involve a modification of our existing treaty rights with Morocco, which, under our Constitution, could only be done by and with the advice and consent of the United States Senate." Consequently the rights of the United States under the Act of Algeciras with regard to concessions for public works in Tangier, remain unimpaired by any subsequent agreements to which the United States Government is not a party.

I am further instructed to inform your Excellency that the United States Government formally reserves all its rights in the premises.

With reference to the statement made in the enclosure accompanying your Excellency's note of the 28th October to the effect that the Ministry expects that the necessary instructions will be given to the American agency in Morocco to cease its opposition to the concession of the port of Tangier, I am instructed by my Government

to inform you that as it is unable to accept the French thesis in regard to the legality of the granting of the port concession, it obviously cannot issue the instructions to the American agent in Tangier requested by your Excellency's Department.

With assurances, &c.

MYRON T. HERRICK.

[W 9302/72/28] No. 43.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received November* 10.)

(No. 42.)
(Telegraphic.) *Tangier, November* 10, 1922.

YOUR telegram No. 38.

Postponement of port adjudication has been very badly received by French colony, and I am anxious lest pressure be brought on French Government to proceed to adjudication forthwith. All nationalities here fear construction of port will now be indefinitely postponed.

In view of friendly action of French President of the Council, would it not be possible now to suggest that representatives of port company and departments of Governments concerned, including United States, should meet as soon as possible with a view to reaching agreement? Question of control would have to be reserved until settlement of Tangier statute. Announcement of such an early meeting would have good effect. Important thing is that we should not be held responsible for delaying the construction of port needed for British as well as other interests.

[W 9199/72/28] No. 44.

The Marquess Curzon of Kedleston to Lord Hardinge (*Paris*).

(No. 3381.)
My Lord, *Foreign Office, November* 11, 1922.

I HAVE received your despatch No. 2586 of the 6th ultimo reporting that, since there are certain financial questions still to be settled with Marshal Lyautey and in view of the appeal which you made in the name of Franco-British accord, the French Government have agreed to a postponement until the close of the Lausanne Conference of the adjudication of tenders for the construction of the harbour of Tangier.

2. I request that, if you have not already done so, your Lordship will inform your United States and Spanish colleagues of the somewhat grudging conditions under which M. Poincaré has postponed the adjudication.

I am, &c.

CURZON OF KEDLESTON.

[W 9391/72/28] No. 45.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received November* 14.)

(No. 435.)
My Lord, *Tangier, November* 8, 1922.

I HAVE received your Lordship's despatch No. 495, dated the 31st October, and, in accordance with instructions contained in the last paragraph, I am informing the Chamber of Commerce and the British Community Committee they may rest assured that His Majesty's Government will be mindful of their views whenever a discussion arises for the settlement of the Tangier question.

2. The committee, who are naturally unaware of the arrangements which exist for bringing a detachment of troops from Gibraltar to protect British property at Tangier should the necessity arise, wished to impress upon His Majesty's Government the necessity for having a small force available at short notice. The plans drawn up by the military and naval authorities at Gibraltar some time ago for bringing a company of infantry to Tangier, should the necessity arise, have recently been reviewed. In my

opinion, they contain adequate provision for furnishing protection to British interests in any emergency that might possibly have arisen in connection with the adjudication of the port works.

I have, &c.

ARNOLD ROBERTSON.

[W 9382/72/28] No. 46.

Mr. Wingfield to the Marquess Curzon of Kedleston.—(*Received November* 14.)

(No. 746.)
My Lord, *Madrid, November* 9, 1922.

WITH reference to Sir Esme Howard's telegram No. 154 of the 7th ultimo, I have the honour to report that the "Epoca" of the 8th instant announced, as a "further success" of the Sánchez Guerra Government, that the adjudication of the contract for the Tangier port works had been postponed until an unspecified date after the Lausanne Conference. This unofficial organ of the Liberal-Conservative Party stated that France, "maintaining the fiction of the sovereignty over Tangier of the Sultan of Fez," had insisted on calling for tenders for this concession for the 9th November, but that the Spanish Government, firmly supported by that of Great Britain, had successfully maintained Spain's interests, with the result that M. Poincaré had wisely yielded and agreed to a postponement.

The "Sol" of the 9th instant, in commenting on this article published on the preceding evening, observed that this postponement appeared to have been decided upon by France and Great Britain with a view to avoiding causes of friction between the two Governments during the negotiations in connection with the Near Eastern crisis. This was, in fact, the very situation against which the "Sol" had always warned its readers, namely, one in which Spain's interests were used as a pawn on the board at which France and Great Britain were the players. Not that the writer doubted of the friendship of Great Britain; he merely suspected that that country would not, for love of Spain, budge one inch beyond the line of conduct dictated by British interests. This was the natural result of the policy of isolation which was particularly associated with Spanish Conservative Governments. This postponement would only constitute a lasting improvement in the situation if it led to a fair allotment of the share capital of the Tangier port works. Till the German and Austrian shares in this undertaking had been distributed in consonance with the international character of Tangier, Spain's anxieties would continue, and it was beyond doubt that France would defend energetically her claims to so promising a base for her powerful submarine fleet of the future. The problem was therefore only postponed: it was no nearer solution; and Spain should employ the interval with a view to being in a stronger position when this brief respite was over.

I have, &c.

CHARLES WINGFIELD.

[W 9302/72/28] No. 47.

The Marquess Curzon of Kedleston to Mr. Robertson (*Tangier*).

(No. 531.)
Sir, *Foreign Office, November* 15, 1922.

I HAVE received your telegram No. 42 of the 10th instant suggesting that, in view of the friendly action of the French Government in postponing the adjudication of the harbour concession, His Majesty's Government should propose that representatives of the port company and of the Governments concerned should meet as soon as possible with a view to reaching an agreement.

2. You will observe from the enclosed copy of a despatch from His Majesty's Ambassador in Paris* that M. Poincaré, in agreeing to the postponement of the adjudication, made it clear that he was largely influenced by the fact that certain outstanding financial difficulties remained to be settled with Marshal Lyautey. As soon as these were cleared away he was determined that the adjudication should proceed as originally arranged. M. Poincaré's language makes it abundantly plain that

* See No. 40.

the French Government are resolved not to give way or to agree to any modification of the terms of the harbour concession.

3. In the very doubtful contingency of His Majesty's Government being able to reach a satisfactory understanding with the port company, there is thus little room for doubt that the French Government would refuse to sanction the agreement. In the circumstances I fear that, so long at all events as M. Poincaré is at the head of the French Government, to embark on a discussion with representatives of the port company could lead to no result.

I am, &c.
CURZON OF KEDLESTON.

[W 9468/72/28] No. 48.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received November* 17.)

(No. 438.)

Tangier, November 10, 1922.

My Lord,

WITH reference to my telegram No. 42 of to-day's date, I have the honour to report that the announcement that the adjudication of the Tangier port works has been postponed, has been received with the worst possible grace by the French colony here. The committee of the French Chamber of Commerce has resigned in a body, by way of protest, and the somewhat elaborate arrangements which had been made to celebrate the armistice on the 11th and 12th November have been cancelled.

2. I am compelled to say, in fairness, that this is not solely a childish display of Gallic ill-temper. Business in Tangier, as elsewhere, has been thoroughly bad for years, and many French and other residents and companies are on the verge of ruin. While many Frenchmen no doubt wish for a French port and French Tangier, the main preoccupation of the majority, which is shared by every community, native and foreign, is, I think, that the port shall be built, for so only can some measure of prosperity come to Tangier. The French hoped that the adjudication would take place on the 9th November and that work would be begun immediately afterwards, in spite of the opposition of Great Britain, the United States of America, Spain and others Powers to the present concession. This hope has now been dashed to the ground and the disappointment is intense. The feeling is that the construction of the port has now been postponed to the Greek Calends. In point of fact, I am informed confidentially by Mr. Harris, that the port company told the French Government about two weeks ago that they would not call up their capital until an agreement had been come to between the Governments concerned. Also, the adjudication could not legally have taken place on the 9th November in any case, as the two delegates of the Diplomatic Corps and the representative of the Spanish zone of Morocco would not have attended the meeting of the commission. The Sultan's representative would, therefore, have been alone with M. Malégarie acting as representative of the "Administration intéressée," whatever that may mean. M. Malégarie is somewhat of a chameleon, but the protection of French interests in all circumstances is the duty that he has set himself.

3. Be this as it may, there is undoubted anxiety among all nationalities lest the construction of the port should now be indefinitely postponed, and I would venture to urge upon your Lordship the desirability of early negotiations taking place with a view to the port concession being placed on a proper footing. That the port should be built is, to my mind, at least of as much importance to British interests as to those of any other nation. I am, of course, aware that His Majesty's Government will be fully occupied for some time to come with the Near Eastern crisis and other far more important matters, but I am anxious lest the hand of the French Government may be forced by agitation in the French press and among French deputies, inspired from Morocco, and less they may be induced to proceed to adjudication forthwith. I also feel that a satisfactory solution of the port question depends largely on a satisfactory solution of the larger Tangier question. I would, however, suggest that we might propose that representatives of the port company and of Departments of the Governments concerned, including, of course, the United States of America, might meet at an early date and endeavour to reach an agreement, the question of the future control of the port being reserved for final settlement in accordance with the terms of the Tangier

Statute. It seems to me that the French President of the Council has made a friendly gesture and that it might be well for us to reciprocate by stating our readiness to negotiate.

I have, &c.
ARNOLD ROBERTSON

[W 9668/72/28] No. 49.

Lord Hardinge to the Marquess Curzon of Kedleston.—(*Received November* 27.)

(No. 2753.)

HIS Majesty's Ambassador at Paris presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of correspondence between the French and United States Governments respecting the Tangier port concession.

Paris, November 24, 1922.

Enclosure 1 in No. 49.

Mr. Herrick to Lord Hardinge.

Embassy of the United States of America,
Paris, November 15, 1922.

My dear Ambassador,

WITH reference to previous correspondence relative to the Tangier port concession, I am transmitting herewith enclosed a copy of a note, dated the 13th November, which I have received from M. Poincaré on this subject. This communication is in reply to my letter of the 6th November, a copy of which I forwarded to you a few days ago.

With best wishes, &c.
MYRON T. HERRICK.

Enclosure 2 in No. 49.

M. Poincaré to Mr. Herrick.

Paris, le 13 *novembre* 1922.

M. l'Ambassadeur,

PAR sa lettre du 6 de ce mois, votre Excellence a bien voulu renouveler les protestations du Gouvernement des États-Unis contre l'adjudication annoncée de travaux de port à Tanger, et se référer, à ce sujet, à l'argumentation contenue dans la lettre de son Excellence le Secrétaire d'État de Washington en date du 21 septembre 1922 qui a été communiquée à mon Département par Mr. Sheldon Whitehouse.

Votre Excellence, d'ordre de son Gouvernement, me fait savoir que les États-Unis n'ont jamais adhéré au Traité de Protectorat de 1912.

J'ai l'honneur de rappeler à mon tour les explications qui ont été fournies à votre Excellence le 26 octobre dernier en ce qui concerne la question du port de Tanger. Je ne puis cependant laisser sans protestation l'assertion que le Gouvernement des États-Unis n'a pas reconnu le protectorat de la France sur le Maroc. Par la lettre ci-jointe en copie adressée le 20 octobre 1917 à l'Ambassadeur de la République à Washington, Mr. Robert Lansing a reconnu formellement le protectorat de la France sur le Maroc, en réservant cependant les droits et privilèges spéciaux de l'Espagne en ce pays.

Votre Excellence trouvera également ci-inclus en copie la note du 2 janvier 1917 que Mr. Robert Lansing a adressée à M. Jusserand et qui est visée dans la lettre du 20 octobre de la même année. Je crois également devoir, en terminant, insister sur le fait que les intérêts économiques des États-Unis ne peuvent être que favorisés par l'exécution de travaux de port à Tanger et vous rappeler à nouveau l'attitude amicale de la France dans les régions où un intérêt spécial politique américain est en jeu.

Veuillez, &c.
POINCARÉ.

Enclosure 3 in No. 49.

Mr. Lansing to M. Jusserand, French Ambassador at Washington.

Excellency, *Washington, October* 20, 1917.

I HAVE the honour to acknowledge the receipt of your note of the 19th January, referring to the Department's note of the 11th January, recognising the French protectorate over the French zone of Morocco, and requesting that this recognition be changed to a recognition of a French protectorate over Morocco.

I have now the honour to inform you that the Government of the United States has concluded to recognise, and hereby formally recognises (subject to my informal note of the 2nd January, 1917, on this matter) the protectorate of France over Morocco, subject to the special rights and privileges of Spain in Morocco.

Accept, &c.
ROBERT LANSING.

Enclosure 4 in No. 49.

Mr. Lansing to M. Jusserand.

My dear Mr. Ambassador, *Washington, January* 2, 1917.

REFERRING to your notes of the 31st July, the 26th August and the 3rd October last, in regard to the recognition of the French protectorate in Morocco, I have, as a result of careful consideration, reached the conclusion that, owing to the pressure of business before the Senate of the United States, which would have to approve any treaty between our countries, and in view of your expressed desire that my Government take prompt action relative to the Moroccan situation, possibly the best mode of procedure to be adopted would be to consider separately the question of the recognition of the protectorate and the question of our capitulatory and other rights in Morocco, as has been done, I understand, by all the European Powers in respect to their relations to Morocco. In order to advance the matter with all possible expedition, I am prepared to recognise in a formal note the French protectorate in Morocco, and concurrently recommend that the item of salary for our Minister to Morocco in the Appropriation Bill now pending in Congress be changed to an item of salary for a diplomatic agent to that country. I am persuaded to make this proposal at present, as I am desirous, as far as possible, to meet the wishes of your Government and your people, to whom we are bound by a traditional and sincere friendship. If this proposal is agreeable to your Government, and this step is accomplished, there would remain for further negotiation the question of our capitulatory and other rights in Morocco, which could be taken up in due time.

I shall be pleased, my dear Mr. Ambassador, to hear from you on this matter at your earliest convenience, since, if any change such as I have indicated is to be made in the Diplomatic Appropriation Bill, it is essential that it be made as soon as possible.

I am, &c.
ROBERT LANSING.

[W 9769/72/28] No. 50.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received November 29.)

(No 450.)

My Lord, *Tangier, November* 22, 1922.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 531 of the 15th November, enclosing a copy of Lord Hardinge's despatch No. 2586 of the 6th November, relative to the postponement of the adjudication of the Tangier port works.

2. I have read this despatch with very considerable disappointment, for it appears from it that the action of the French Government in postponing the adjudication was not due to a desire on their part to be friendly, but was dictated by certain financial difficulties which had been raised by the Protectorate Government, and which it is hoped to remove at about the time that the Lausanne Conference is expected to conclude. In fact there has been no "concession" at all.

3. I am afraid that I was somewhat misled by your Lordship's telegram No. 38 of the 6th November and by subsequent correspondence received by the bag which reached me on the 14th November, including Lord Hardinge's telegram by telephone of the 6th November. None of this correspondence appears to convey any hint that the French Government were animated by any motive other than a desire to be friendly. The announcement of the postponement created an immediate sensation here and consternation among the French colony. I therefore informed the British colony and some of my colleagues that, according to telegrams and despatches which I had received from your Lordship, the action of the French Government was in the nature of a *beau geste* which appeared to be calculated to remove the misunderstanding which had hitherto existed and would, no doubt, lead to a satisfactory settlement of the whole difficulty. I felt the more justified in doing this in view of M. Poincaré's question to Lord Hardinge whether he might announce the delay in the adjudication as a concession made as a welcome to the new Government established in England (see Lord Hardinge's telegram No. 563 of the 5th November). The result of my action has been that much better feeling now prevails and that the foreign colonies here have drawn more closely together in the common hope that the port will be built with the goodwill of all the Governments concerned.

4. Though the local French newspaper did, at the time, publish a telegram from Paris to say that the postponement was due to certain unspecified financial difficulties, no one attached much credence to this, and it is the first time that anything has been heard of these difficulties. As I have already had the honour to report to your Lordship, Mr. Harris told me in confidence that the port company had declined to call up its capital unless and until an agreement was come to between the Governments concerned. It is possible that this may be the underlying motive of M. Poincaré's action, and if so there appears to me to be some hope that we may yet be able to come to an agreement.

5. Lord Hardinge, in his despatch No. 2586 of the 6th November, expresses the opinion that the temporary adjournment may be regarded as so far satisfactory in that it will at least give time to consider what should be the further steps to be taken in the matter. I would earnestly beg your Lordship to take advantage of the delay and to consider whether it would not be possible to sound the Quai d'Orsay unofficially as to whether they would not agree to a friendly discussion of the whole question. It might be pointed out to them that we desire the port to be built as much as, if not more than, they themselves, and that it is not at all our intention to be purely obstructive. There is much in the present concession to which we take exception, quite apart from the fact that it was granted without warning and without our being in any way consulted, but there is no reason why it should not be revised in a spirit of compromise. To proceed with the adjudication in defiance of the reasoned protests of Great Britain, the United States and Spain against the concession, not to mention the protest of the Diplomatic Corps at Tangier, against the adjudication itself, cannot serve the interests of anyone concerned and must, in the long run, lead to disappointment. The people of Tangier desire a port as soon as may be and would welcome any solution that would bring it about. We have a short delay in which to make a final effort to reach a friendly compromise, and I would venture to recommend that such an effort be made.

6. In the alternative I would suggest for consideration whether we might not propose that the whole question of Tangier, including statute and port, be submitted to the League of Nations, and so remove from somewhat acrid discussion a problem which can only stand in the way of the harmonious relations between Great Britain and France which the two Governments are now doing their best to re-establish.

I have, &c.
ARNOLD ROBERTSON.

No. 51.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received December 3.)

(No. 44.)

(Telegraphic.) R. *Tangier, December* 3, 1922.

YOUR despatch No. 531.

Local representative of port company has read me letter from Paris showing that company asked French Ministry for Foreign Affairs whether President of the Council

would agree to meeting of experts "to settle technical questions and adjudicate port" if Foreign Office suggest it. Reply was favourable, and Mr. Parker will probably approach you.

Expression in quotation marks is not altogether satisfactory, and appears to leave question of principle untouched, but I should strongly urge meeting taking place, which might lead to satisfactory settlement. I believe that protectorate financial difficulties are serious enough to make them conciliatory and wish to find way out.

[**W 9769/72/28**] No. 52.

The Marquess Curzon of Kedleston to Mr. Robertson.

(No. 571.)

Sir, *Foreign Office, December* 7, 1922.

I HAVE received your despatch No. 450 of the 27th ultimo and your telegram No. 44 of the 3rd instant regarding the position which has arisen owing to the action of the French Government in agreeing to the postponement of the adjudication of the Tangier harbour works.

2. I much regret that you were misled by the terms of my telegram No. 38 informing you that the adjudication had been postponed. At the time when that telegram was despatched I was not in a position to give you any more detailed information on the subject, since it was not until two days later that I received Lord Hardinge's despatch No. 2586 reporting the somewhat grudging conditions under which the French Government had agreed to the postponement.

3. I have now carefully considered your proposal that a final effort should be made to reach a compromise by means of a friendly discussion with the French authorities. Although I anxious that His Majesty's Government should not lay themselves open to the charge of obstruction, yet so long as M. Poincaré is at the head of the French Government I fear that it would be idle to expect on the French side any disposition to reach a reasonable settlement of the problems of Tangier. In the circumstances I am not ready to raise the question again at the present moment when the Lausanne Conference is far from concluding its delicate task of achieving a settlement with French co-operation and when His Majesty's Government are on the eve of a further discussion of the reparations question with M. Poincaré, which is not likely to ease British relations with France.

4. By securing the postponement of the adjudication His Majesty's Government have gained a temporary respite, and meanwhile M. Poincaré's uncompromising hostility may be terminated by his political disappearance. In any event I do not consider that the time is yet ripe for referring the whole question to the League of Nations, since His Majesty's Government do not propose to take this step except in the last resort.

I am, &c.

CURZON OF KEDLESTON.

[**W 10447/197/28**] No. 53.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received December* 27.)

(No. 489.)

My Lord, *Tangier, December* 16, 1922.

I HAVE the honour to acknowledge the receipt yesterday of your despatch No. 571 of the 7th December from which I gather that, so long as M. Poincaré remains at the head of the French Government, your Lordship does not consider that there is any prospect of reaching a reasonable settlement of the problems of Tangier. Moreover, so long as the Lausanne Conference is engaged in its delicate task and the reparations question is the subject of discussion with M. Poincaré, your Lordship is not ready to raise again the question of the port of Tangier or of the statute.

2. While I fully appreciate the weighty reasons which distate your Lordship's attitude, I would venture with great respect to urge certain considerations upon you, which it might be worth while also to take into account.

3. Tangier is at the present moment, as I have frequently reported, completely under French control. To all intents and purposes it is treated by the French protectorate authorities as part of the French zone. The native officials act under orders from Rabat or the French agency; Customs, Public Works, Police, the sale

of Makhzen properties, are in French hands; the Diplomatic Corps has ceased to function, and the French pay no attention to individual protests against their continual encroachments on treaty and prescriptive rights. At the same time business in Tangier is stagnant, the native and foreign population are on the verge of ruin, and all are crying out for a settlement of the Tangier question and the building of the port without which conditions here must go from bad to worse.

4. The French are at pains to argue and are, indeed, letting it be generally known, that they are only too ready and anxious to discuss and settle this long outstanding question, but that they are still awaiting the invitation of His Majesty's Government which they had been led to expect several months ago. From my telegram No. 46 of the 12th December, your Lordship will have seen that both my French colleague, who has only just returned from Paris, and M. Malégarie, the retiring engineer-in-chief of the Public Works, have approached me, evidently under instructions from Paris, with the proposal that we should have private and informal discussion with a view to exploring the ground. Both expressed the conviction that we were separated more by words than by principles. My feeling that there is something in the wind has been still further confirmed by a question addressed to Mr. Irwin two days ago by the Sultan's representative. He enquired whether the question of Tangier was soon going to be discussed and whether M. de Carbonnel had recently paid several visits to me. As a matter of fact my French colleague had only been to see me once, but Sid Mohammed Tazi must have been given to understand from French sources that the French intended to make an effort to come to some agreement.

5. I must of course bow to your Lordship's decision not to take any further action so long as M. Poincaré remains in office, but I feel compelled to point out that we shall thereby lay ourselves open to the charge of obstruction pure and simple, a charge of which the French will not be slow to take advantage. If no sign comes from London that we are prepared to explore the ground even unofficially, which is all that I ask for the moment, if the present state of affairs is allowed to go on indefinitely, and if we continue to adopt a purely negative attitude, I gravely fear lest the Colonial Party in France, urged on by local chauvinists and malcontents, may induce a none too unwilling Government to continue its policy of incessant encroachments until the French position at Tangier has become so consolidated that a reasonable settlement from our point of view may become well-nigh impossible.

6. As regards the port, we have, as I understand, received no promise from M. Poincaré that adjudication will not take place until after the Lausanne Conference. All that he has done is to postpone the adjudication for the time strictly necessary to examine and solve the financial difficulties raised by Marshal Lyautey. If we take him at his word and if we make no effort to enter into pourparlers of any kind in the interval granted to us, adjudication may be resorted to at any moment and a serious situation arise. The Port Company are themselves only too anxious to come to terms, and the people of Tangier would welcome any settlement provided that they get their long promised port. If we give no sign of life, adjudication will be welcomed even by the British colony in their heart of hearts, and we need expect but little sympathy or support in our fight for a principle, when nearly all the effective weapons are in the hands of our opponents.

7. It is, of course, possible that our views might receive a better hearing from some other Government than that over which M. Poincaré presides, but I would remind your Lordship that our case received no more favourable consideration at the hands of M. Poincaré's predecessors. I would submit that it is at least as much the permanent officials of the Quai d'Orsay and the French protectorate authorities who dictate French policy in regard to Tangier as the temporary and usually short-lived head of the French Government.

I have, &c.

ARNOLD ROBERTSON.

[**W 10448/72/28**] No. 54.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received December* 27.)

(No. 490. Confidential.)

My Lord, *Tangier, December* 20, 1922.

WITH reference to my despatch No. 489 of the 16th December, I have the honour to forward to your Lordship herewith a copy of a despatch which my

American colleague addressed to the Department of State on the 15th November. This despatch was courteously communicated to me in confidence by Mr. Denning in the course of a conversation which I recently had with him on the subject of the Tangier port.

2. I would draw your Lordship's special attention to the conversation between Mr. Denning and the French Chargé d'Affaires as reported by the former. M. Gracy seems to have stated that France was expectantly awaiting an invitation from Great Britain to hold a conference with the Allied Powers to determine the future of Tangier, and he also seems to have intimated that France would be willing to have that status international.

3. Mr. Denning attaches great importance to this conversation and is genuinely convinced that France is anxious to come to terms with us both in regard to the statute and to the port.

4. My French colleague seems to be paying frequent visits to the American agent and he seldom loses an opportunity of intimating that France is ready to negotiate, but that Great Britain is holding back for some reason unknown to him.

5. I am not equally impressed with Mr. Denning by M. Gracy's statement that France would be willing to have the status of Tangier "international." Everything of course depends upon the interpretation of the word "international."

I have, &c.

ARNOLD ROBERTSON.

Enclosure in No. 54.

Mr. Denning to State Department, Washington.

American Agency and Consulate-General,
Tangier, November 15, 1922.

Sir,

SUPPLEMENTARY to the agency's telegram of the 9th November, I have the honour to report that, as indicated therein, the meeting of the Commission of Adjudications for the adjudication of the port concession, called for the 9th November, did not take place.

On the 7th November the president of the Commission of Adjudications sent to the secretary of the agency, as a delegate of the Diplomatic Corps on this commission, the usual circular calling the meeting for the 9th instant, in conformity with the public announcement made last June, referred to in the agency's cablegram of the 12th June, and pertinent correspondence. The secretary of this agency, inscribed the following statement thereon :—

> "Sous les conditions spécifiées dans la protestation du Corps diplomatique du 12 juin et dans ma protestation au cours de la séance de la commission du 22 juin, je ne peux pas reconnaître que la réunion projetée pour le 9 novembre soit valablement convoquée."

Although from the remarks of my British and French colleagues, noted in the first mentioned cablegram, and from the press statement included therein, it seemed certain that the meeting of the Commission of Adjudications scheduled for the 9th November would not take place, Mr. Mayer was not officially notified of the fact until the day after, when the president of the commission transmitted to him a circular to the effect that the meeting would be postponed until further notice. Thus the matter stands at the present time.

The Department may be interested to learn some of the local reports, rumours and facts which surrounded this eleventh hour reversal of policy or at all events of execution of policy by the French.

On the 7th November, the French Chargé d'Affaires informed me that his Government had communicated to him the contents of the Department's protest of the 6th October. The former appeared quite chagrined over the action taken by the United States and gave me to understand that his Government felt likewise; he seemed to be very disappointed at the attitude assumed by America. As soon as it was bruited abroad that the United States had formally protested at Paris against the port concession adjudication, I gathered from my conversations with members of the local French colony that it felt as if a pall had been thrown over it and that a staggering blow had been dealt to French aspirations in Tangier.

However, there did not seem to be any doubt that France would proceed with

her often announced determination to put the adjudication into effect on the 9th November. The statement was made that no initiative would be taken in the erection of the port for probably one year or longer after the adjudication, the reason assigned for this being the impossibility of amassing locally the material necessary for work on the port. I could only assume that the aforesaid statement was intended to convey the impression that such a period of inactivity after the adjudications would be to enable the French Government to readjust her position so as to harmonise her future procedure with American desires. It is interesting to note in connection with the above that it corroborates the opinion which this agency has held and expressed to the Department that the French were greatly more interested in the port concession politically than economically; that the promulgation of the dahir granting the concession and the subsequent steps leading up to and including the anticipated adjudication were directed primarily toward the attainment of French political control in Tangier rather than a *bonâ fide* effort to improve its port facilities.

The French Chargé d'Affaires stated that should France proceed with the port, despite the protests of the Powers, due deference to American desires would conform the status of the port to the future status of Tangier, which would be international. Likewise the Chargé d'Affaires in the same conversation stated that France was expectantly awaiting an invitation from Great Britain to hold a conference with the Allied Powers to determine the future status of Tangier and he intimated that France would be willing to have that status international.

These remarks of course are of the first importance if echoing the sentiment at Paris, since in such a case they would certainly indicate a return to the French *ante bellum* attitude and a repudiation of the arbitrary and isolated stand taken by France *vis-à-vis* Morocco and Tangier since 1918.

The French agent, M. de Carbonnel, is expected to return to his post from leave in a short time, and I will endeavour to ascertain from him whether the aforementioned remarks of the French Chargé d'Affaires truly represent the policy of the French Government and I will inform the Department at once of the result of whatever information I may obtain in this regard.

As I have reported to the Department, it is the firm opinion of this agency that in order to maintain the "open door" in Tangier, that is to say, in order to ensure a situation of equality of commercial opportunity here, it is an absolute condition precedent that the Tangier question should be definitely settled and the political stability of the zone be established on an international status. Political stabilisation must precede economic stability and equality. If the remarks of the French Chargé d'Affaires actually do represent the attitude of his Government, there is a very decided change therein.

Great excitement and real consternation reigned in the French colony when it became known that the adjudication of the port concession was not to take place as scheduled. Especially was this the case, owing to the fact that the French Chargé d'Affaires had no information to give his excited colony regarding the reason for the failure to have the adjudication or the proximate date of its occurrence. I have reason to believe that the colony is almost more incensed against its own Government and their local representation than against the Powers which opposed the French thesis. A number of the members of the French colony had talked rather loud and often regarding the unswerving determination of France to adjudicate the port and put its plans *vis-à-vis* Tangier into operation despite protests or difference of opinion on the part of other Governments. It was therefore distinctly unpleasant for them to find the tables turned at the last minute by their Government without any explanation.

The attitude and action taken by the prominent members of the French colony pursuant thereto were really too childish. The local French Chamber of Commerce resigned apparently in a body, and the French Committee in charge of a kermess and fêtes to take place on the 11th and 12th November, for the benefit of the French Red Cross called off these entertainments, which had been planned and in process of rehearsal for a number of weeks.

The British agent called his colony together immediately upon receipt of the news of the postponement of the adjudication and instructed them upon no occasion to make any show of exultation over the event. There being no American colony, no such action was requisite upon our part. So far as I am aware the Spanish colony has refrained from any undue expression of delight in the postponement of the adjudication regardless of the fact that it is locally, and, I believe, correctly,

considered to be a tremendous blow to French designs and prestige in Tangier and a corresponding victory for the Powers who wer opposed thereto.

I understand that within the last few days assurances have been received from Paris by the leaders of the French colony that the postponement of the port adjudication is to be of a very temporary character and that it in no way means an abandonment of French aspirations in Morocco. Assuming this to be correct, though I am rather disposed to consider it as a mere anodyne to soothe the feelings of the leaders of the French colony, I deem it expedient for me to state to the Department that, in my opinion, the alleged open tenders for the Tangier port works are so in name only and that the specifications and conditions attached will be of such a character as to discriminate against other than French nationals.

I have, &c.

J. M. DENNING.

(c.) The "Décanat" of the Diplomatic Corps.

[W 5723/1623/28] No. 55.

Mr. Robertson to the Earl of Balfour.—(*Received July* 10.)

(No. 258.)

My Lord, *Tangier, June* 27, 1922.

WITH reference to my despatch No. 243 of the 16th June on the subject of the décanat, I have the honour to report that the Diplomatic Corps, with the exception of the French agent, met on the 24th instant to hear the reply of the Spanish agent to Sid Mohammed-el-Tazi's note of the 14th June. This reply, a copy of which is enclosed, together with a French translation of the note, directly traverses many of the statements contained in the latter, which were probably based on town rumours assiduously collected, I have little doubt, by M. Ronflard, of the French agency, from whose activities in this direction as well as from those of similar agents in the French protectorate I have myself suffered. M. Serrat notably denies that he ever publicly disputed the sovereignty of the Sultan over Tangier and affirms, on the contrary, that he has always abstained from expressing any opinion on the subject, which is outside his competence. On one occasion, however, when a local French newspaper published a letter from the Sultan's representative, which appeared to give a wrong impression of what had occurred in regard to the landing of the Spanish cable at Tangier, M. Serrat did publish a reply, copy of which is enclosed and in which it is stated, among other things, "je ne crusse pas nécessaire la permission, ni pusse reconnaître au Sultan des facultés pour la donner en ce qui regarde la zone de Tanger."

The members of the Diplomatic Corps present at the meeting decided that they would each transmit to their Government copies of Sid Mohammed-el-Tazi's note and of M. Serrat's reply, and ask for instructions.

Since the meeting I have received your Lordship's telegram No. 20 of the 24th June, to which I have given careful consideration. There is little doubt to my mind that the Makhzen, the Sultan's representative and the French agency have, in point of fact, treated the Spanish agent on precisely the same footing as the other foreign representatives for the last six or seven years. There appears also to be little doubt that the French Government agreed in 1916 that M. Serrat should be permitted to carry out his duties as diplomatic agent even without presenting letters of credence, though this concession would not be accorded to his successor.

The French contention, on the other hand, is that M. Serrat was merely recognised as unofficial agent, as a concession only, but that he cannot become doyen of a Diplomatic Body that is properly accredited. They ignore the fact that they have hitherto made no distinction between this unofficial agent and his official colleagues.

I would venture to express the view that we should consider our own interests in this controversy. The Makhzen threaten that they will break off all relations with M. Serrat in the event of his retaining the décanat. If we continue to recognise him this will mean that the Diplomatic Body will be unable to act in its corporate capacity, which is precisely the object at which the French authorities are aiming. Even now they argue that as the French agent does not attend our meetings we cannot act as a body. Whether M. Serrat has or has not publicly stated that he does not recognise the authority of the Sultan over Tangier would appear to be of minor importance, in view of the undoubted fact that the Spanish Government do not recognise that authority and have so stated on more than one occasion (see, for example, the Spanish

Ambassador's note to Lord Curzon of the 16th February, 1922). Moreover, I elicited from M. Serrat, at the meeting referred to above, the admission that he does not reply to communications which he receives from the Makhzen.

Having regard to the fact that a conference is shortly to meet in London with a view to the settlement of the Tangier question, I feel that it would be best, for the moment, not to force the issue, which will automatically be cleared up if the conference succeeds. It will come to the fore again if the conference fails or if, indeed, the French authorities again compel the Diplomatic Body to take united action as in the case of the port adjudication. Perhaps it might be possible to inform the French Government unofficially that we will leave the question of the décanat in abeyance on the understanding that they will instruct the French protectorate authorities to take no provocative action pending the issue of the conference.

In conclusion, I have the honour to report that M. Serrat made the somewhat remarkable statement at the meeting of the 24th June, that he wished that the moment had come to speak clearly. The question of the décanat was mere *chantage*. The French Government had not so long ago approached the Spanish Government with certain proposals which, if accepted, would lead to the recognition of M. Serrat and the solution of other difficulties. These proposals, however, would have involved Spain's repudiating engagements which she had already undertaken and she could not therefore accept them. M. Serrat offered no further explanation of this enigmatic statement.

I have, &c.

ARNOLD ROBERTSON.

Enclosure 1 in No. 55.

Sid Mohammed-el-Tazi to M. Cuvelier.

(Traduction.)

Louange à Dieu seul!

Tanger, le 17 *Choual* 1340 (14 *juin* 1922).

A son Excellence l'Agent diplomatique et Consul général de Belgique,

M. Maurice Cuvelier.

(Salutations d'usage.)

PAR lettre du 7 courant, les représentants des Puissances d'Espagne, de Portugal, de Belgique, d'Italie, d'Angleterre, de Hollande et des États-Unis d'Amérique ont bien voulu nous faire des demandes au sujet de la réponse que nous avons transmise à son Excellence l'agent diplomatique de la Grande-Bretagne concernant l'avis du Gouvernement chérifien sur la décision prise relativement à la nomination de M. Serrat comme doyen du Corps diplomatique, &c. Après avoir reçu l'avis du Maghzen, je fais savoir à votre Excellence que, puisque M. Serrat n'a pas demandé jusqu'ici l'agrément de Sa Majesté le Sultan pour sa nomination d'agent diplomatique et qu'au surplus il a nié publiquement l'autorité et la souveraineté du Sultan sur Tanger, nous ne pouvons pas le traiter comme les autres représentants dont la nomination a été approuvée, conformément aux règles et usages, de même qu'il est impossible de l'admettre à traiter avec le Maghzen, en leur nom, des affaires les intéressant tous.

D'autre part, la question d'accorder ou non l'agrément à un diplomate étranger est une des prérogatives du Chef de l'État.

Nous croyons donc utile de vous faire parvenir, sous ce pli, à titre d'information, un mémorandum se rapportant à la situation officielle de M. Serrat dans ses relations avec les autorités maghzéniennes, pour que vous en preniez note.

M'HAMMED TAZI.

Enclosure 2 in No. 55.

Mémorandum relatif à la Situation officielle de l'Agent diplomatique de l'Espagne.

Louange à Dieu!

(Traduction.)

M. SERRAT est arrivé à Tanger dans le courant du mois de décembre 1915 en qualité d'agent diplomatique et consul général. Le Maghzen n'avait aucune raison de penser que ce diplomate nouveau ne se conformerait pas aux coutumes courantes. C'est pour cela qu'il fut reçu avec les honneurs habituels, et, en réponse à la lettre par laquelle

il informait le Naïb du Sultan qu'il avait pris charge de ses importantes fonctions, il lui fut adressé des félicitations pour son heureuse arrivée. Le Ministre des Affaires étrangères de Sa Majesté le Sultan, qui avait été informé par ledit Naïb de l'arrivée de M. Serrat ici, lui promit son concours dans l'accomplissement de sa mission.

Entre-temps, le Gouvernement espagnol informa l'Ambassadeur de France à Madrid que son agent ne remettrait pas ses lettres de créance au Sultan parce que sa mission ne s'étendait qu'à la zone de Tanger, sur laquelle l'Espagne ne reconnaissait pas l'autorité et la souveraineté du Sultan. A titre de conciliation à l'égard d'une Puissance amie, et tenant compte à ce que M. Serrat avait déjà débuté dans ses fonctions, le Maghzen proposa que, pour cette fois-là seulement et à titre exceptionnel, on ne demanderait pas des lettres de créance, mais qu'à l'avenir tout agent diplomatique espagnol devrait se conformer à cette habitude, issue des droits souverains que Sa Majesté le Sultan détient sur Tanger. L'Espagne refusa complètement cet arrangement et persista dans sa façon de voir dans cette affaire.

Après échange d'avis sans résultat sur la matière, le Ministre des Affaires étrangères de France mit fin en août 1916 à la discussion, en confirmant le droit qu'a le Maghzen de demander la remise des lettres de créance et par cela furent rompues complètement toutes relations officielles entre les autorités du Maghzen et espagnoles à Tanger. Mais, dans un but de conciliation et afin d'éviter tout ce qui pourrait nuire aux sujets des deux Puissances, le Maghzen concéda que son Naïb à Tanger eût avec l'agent espagnol des relations non fondées sur les bases légales, mais imposées par les contingences locales du moment, pour autant qu'elles ne porteraient pas atteinte aux droits souverains du Sultan.

Dans ces conditions difficiles, le Dar en Niaba s'efforça toujours de traiter M. Serrat avec la plus grande courtoisie et de ne pas rendre public le désaccord existant entre les deux Puissances. Cette conduite ne fut pas précisément celle de l'agent diplomatique de l'Espagne, qui manifesta constamment, publiquement et même dans les journaux, qu'il ne reconnaissait ni l'autorité ni la souveraineté du Sultan sur Tanger, et, par conséquent, qu'il considérait son Naïb comme une autorité locale non assise sur aucun fondement régulier, mais imposée par les exigences locales actuelles.

C'est pour cela qu'en janvier 1917, quand le Général Gouraud l'informa qu'il avait été nommé Ministre des Affaires étrangères de Sa Majesté chérifienne, M. Serrat ne lui répondit point, par ordre de son Gouvernement, et manifesta qu'il n'avait à entretenir aucune relation avec le Ministre d'un Souverain qui ne gouvernait pas sur Tanger.

Tout dernièrement, lors de la visite du Président de la République française à Rabat, Sa Majesté le Sultan, dans son désir de ne marquer aucune différence de traitement entre M. Serrat et les autres représentants, l'invita à se rendre à Rabat, de même qu'il avait invité tous les autres représentants. Mais il ne sut pas apprécier à sa juste valeur et telle qu'elle le méritait cette haute marque de courtoisie et refusa l'invitation, reconnaissant par cela que sa situation irrégulière ne lui permettait pas d'assister à une réunion officielle composée des représentants des Puissances à la Cour du Sultan dans la même qualité que les autres représentants.

Ces indications sont suffisantes pour démontrer les efforts faits par le Maghzen pour prolonger cette situation temporaire, qui permettait le règlement des affaires locales.

Le Dar en Niaba ne se serait pas départi de cette ligne de conduite, si M. Serrat ne l'avait obligé à donner l'avis du Maghzen sur la question par sa hâte à accepter la charge du décanat sans tenir compte des difficultés qui surgiraient de ce fait dans la bonne marche des affaires du Corps diplomatique.

Nous ne pensons pas qu'après vous être rendu compte du vrai état de choses, vous considérerez comme possible que M. Serrat soit investi du décanat, et, dans le cas contraire, le Maghzen serait obligé, à son grand regret, de rompre ses relations avec lui (M. Serrat).

Si vous reconnaissez à M. Serrat la qualité de doyen, il en résultera pour lui des privilèges pareils à ceux dont aucun de vous n'a pu bénéficier que par l'agrément du Sultan à votre nomination et, en conséquence, M. Serrat, qui est un agent non officiel who carries on his duties by concession only, avec lequel nous traitons par tolérance, à la désignation duquel aucun agrément n'a été donné, serait égal à vous, représentants diplomatiques légalement agréés pour traiter avec le Maghzen.

En outre, le décanat carries with it the right of dealing with contient la possibilité d'avoir des relations avec le Ministre des Affaires étrangères. Or, M. Serrat, avec ordre de son Gouvernement, s'est toujours refusé à avoir la moindre relation officielle avec son Excellence le Maréchal Lyautey.

En dernier lieu, les désaccords qui se sont fait jour, au sein du Corps diplomatique, au sujet de la personnalité du doyen, autorisent le Maghzen à considérer cette charge comme actuellement vacante.

Le Ministre des Affaires étrangères ne peut traiter qu'avec un représentant ayant les pleins pouvoirs de chacun des agents diplomatiques. Or, l'accord unanime au sujet de la désignation du doyen manque, étant donné que son Excellence le Ministre de France a informé le Naïb du Sultan qu'il n'acceptait pas le projet qui consiste à désigner M. Serrat comme doyen.

Enclosure 3 in No. 55.

Commentaires de l'Agent diplomatique d'Espagne à la Lettre de Sid Mohammed Tazi du 14 Juin 1922 concernant le Décanat.

LA lettre de Sid Mohammed Tazi étant, pour ainsi dire, la résultante de la note annexée, je commencerai mes observations par celle-ci.

Je commencerai par vous faire remarquer que l'exposition des faits, qui suit presque exactement l'ordre du rapport que j'ai lu dans notre séance du 25 mai, les confirme en tant qu'il s'agit des faits précis et constatés. Elle en diffère, par certaines nuances, par l'appréciation de ces faits et par des affirmations tout à fait gratuites.

La note confirme que mon arrivée à Tanger et mon entrée en fonctions ont été normales, que le Ministre des Affaires étrangères de Sa Majesté chérifienne a cru même devoir m'offrir son concours et qu'à plusieurs reprises la Résidence générale s'est adressée à moi dans les mêmes termes qu'à vous tous.

Il est inexact que je sois arrivé avec la qualité de consul général. Je me suis borné à communiquer ma nomination d'agent diplomatique à Tanger (veuillez consulter la lettre annexée au procès-verbal du 25 mai). Je me suis conformé aux "coutumes courantes," c'est-à-dire aux formalités observees toujours par mes prédécesseurs. Il est inexact que "le Maghzen" ait fait la moindre remarque, ni qu'il ait proposé une solution quelconque ; il l'est aussi qu'au mois d'août de 1916, ni après, mes relations avec les autorités maghzéniennes fussent rompues, ni qu'elles subissent la moindre altération. Enfin, je l'ai dit déjà dans la séance du 25 mai et je dois le répéter, je vous donne ma parole d'honneur que, de la part des autorités maghzéniennes, y compris la Résidence générale à Rabat, je n'ai jamais eu, jusqu'au moment actuel, aucune manifestation expresse, ni de parole, ni par écrit, ni officielle, ni confidentielle, ni aucune marque indirecte qui puissent mettre en cause ma qualité normale d'agent diplomatique. Par contre, j'ai déjà mentionné dans mon rapport du 25 mai plusieurs manifestations de la normalité de ma situation. Je me bornerai donc ici à vous faire remarquer qu'encore la lettre identique qui est le sujet de notre réunion m'est adressée à titre d'agent diplomatique et avec les mêmes formules que celles que vous avez reçues.

Cette déclaration suffirait pour répondre au fond de la question, parce que je suppose que vous conviendrez avec moi que, même en admettant que ma situation puisse dépendre des résultats des pourparlers suivis à Paris ou ailleurs, tant que ce résultat ne m'est pas communiqué, ou du moins fait comprendre par les autorités, avec qui je corresponds, je ne puis m'en douter.

Nonobstant, et quoique je ne sois pas autorisé par mon Gouvernement pour dévoiler ses pourparlers avec le Gouvernement français, mon désir de ne pas laisser l'ombre d'une équivoque, ni dans mes déclarations, ni dans celles de Sid Mohammed Tazi, me porte à préciser ce que j'ai exposé le 25 mai.

Du récit fait par le Tazi on pourrait déduire que la bonne foi du Gouvernement français et de la Résidence à Rabat ont été surprises. Ce n'est pas le cas.

Par lettre officielle du 24 décembre 1915, remise à M. l'Ambassadeur de France à Madrid, mon Gouvernement a informé celui de la République des conditions dans lesquelles je venais à Tanger, tenant compte de ses désirs. Il l'informait que, selon ses désirs, je prendrai le titre d'agent diplomatique, que mes fonctions seraient réduites à la zone de Tanger, sans s'étendre à la zone française, et qu'on espérait que le Gouvernement du protectorat français voudrait bien admettre le consul à Rabat faisant fonctions de consul général. Cette communication, même avant mon départ de Madrid, a été l'objet de quelques réserves verbales de la part de M. Joffray. Ces réserves se sont précisées dans une lettre officielle de l'Ambassade à Madrid en date du 21 janvier 1916, dans laquelle on soulevait la question de lettres de créance, et une discussion s'est engagée à ce sujet. Mais, entre-temps, l'Ambassadeur d'Espagne à Paris, après avoir transmis une formule suggérée par le Ministre des Affaires étrangères, d'après laquelle

j'échangerais des lettres avec le Naïb il a informé, le 9 mars, que ledit Ministère, constatant qu'un tel échange de lettres avait déjà eu lieu, considérait l'incident comme heureusement fini. Par conséquent, la lettre du 22 février de la Résidence générale à Rabat (Annexe 6 au procès-verbal de la séance du 25 mai) doit être considérée comme une consécration de cet accord. Si la discussion a continué, il faut comprendre que c'était pour l'avenir, le Gouvernement français ayant déclaré que cette solution ne serait admise pour mon successeur. C'est sans doute à cette discussion que fait référence le Naïb quand il dit qu'elle a eu fin au mois d'août 1916, et je dois répéter que cet événement n'a eu aucun contre-coup dans ma situation à Tanger. Depuis lors (et remarquez qu'il y a déjà six ans) aucune allusion à ma situation n'a été faite nulle part jusqu'au moment actuel. Et, encore aujourd'hui, remarquez que l'opposition vise exclusivement à la présidence du décanat, sans faire aucune remarque à mes fonctions du Conseil sanitaire, qui sont d'un ordre plus conventionnel.

Le Tazi parle aussi de mon empressement pour prendre le décanat. Est-ce que le moment de prendre le décanat dépendait de ma volonté ? Je l'ai pris quand il m'a été dévolu naturellement. Depuis une année, ce moment était bien connu de tous et, cependant, ce n'est que quatre jours avant, que l'Ambassadeur de France à Madrid a fait des réserves en ouvrant de nouveau la discussion. Cela m'aurait mis dans une situation embarrassante envers vous, mais heureusement le 24 octobre on m'a informé que notre Ambassadeur à Paris communiquait que M. Perety s'était avancé à lui dire qu'il connaissait la démarche faite à Madrid, et qu'il pouvait lui annoncer qu'on ne provoquerait aucun incident sur cette affaire. Dans ces conditions, je ne pouvais pas hésiter à accepter le décanat le 25.

Après ces explications, que j'ai crus nécessaires pour que vous soyez en état de juger sur les insinuations insidieuses que la note contient, vous me permettrez d'éclaircir d'autres points qui me touchent personnellement.

La note dit : " Quant à la conduite de l'agent diplomatique d'Espagne, elle fut tout autre ; il annonça plusieurs fois publiquement, même dans les journaux, qu'il ne reconnaissait pas l'autorité, ni la souveraineté du Sultan à Tanger. . . ." Je me suis toujours soigneusement abstenu, et je m'en abstiens encore en ce moment, d'émettre aucune opinion sur cette matière qui n'est pas de ma compétence. La seule fois que je me suis adressé aux journaux, c'est à l'occasion que je vais vous exposer.

Contre tous les usages, on a donné publicité à une lettre que le Naïb m'avait adressée. Voici la " Dépêche marocaine " du 24 avril 1921. La publication de cette lettre, qui elle-même était adressée à créer une équivoque, m'a mis dans le cas désagréable de sortir de ma réserve habituelle par la lettre que j'ai envoyée au " Porvenir," publiée dans le numéro du 25, que voici. Vous jugerez si elle peut être interprétée dans le sens qu'on lui attribue.

Mes déclarations à propos de la lettre du Général Gouraud de janvier 1917 sont encores plus dénuées de fondement Je n'ai fait absolument aucune déclaration à ce sujet.

Quant à l'invitation pour aller à Rabat à l'occasion de la visite de son Excellence le Président de la République française, si je n'en ai pas tenu compte, c'est parce que j'ai reçu l'ordre d'en abstenir de mon Gouvernement, qui ne me devait aucune explication de cette résolution. Cependant, je suis sûr qu'il n'a pas manqué d'en donner une explication au Gouvernement français. Pour ma part, je n'aurais pu jamais craindre, comme l'insinue la note, qu'on pût saisir pareille occasion pour marquer des différences désobligeantes, et il me semble d'un goût douteux de l'insinuer seulement.

Je ne releve pas d'autres inexactitudes que la note contient, qui sont plutôt des erreurs de doctrine, sur lesquelles je vais vous laisser toute initiative d'appréciation. Seulement, je vous ferai remarquer que l'alternative qu'on veut établir sur ma situation personnelle, selon le cas d'admettre ou non le décanat, est inadmissible et impropre d'un document officiel de cette portée.

Ces explications excusant tout commentaire sur la lettre du Naïb du 14 courant, je me bornerai à protester de nouveau des imputations gratuites qu'on me fait, et à rappeler que, contre ce que dit la lettre, j'ai toujours été traité comme les autres représentants, et que je n'ai jamais eu occasion d'en douter. Autrement, vous auriez été dupes de ma fourberie et celle du Maghzen en vous le laissant ignorer.

Enclosure 4 in No. 55.

Extract from the " Dépêche marocaine " of April 24, 1921.

LE MAROC ET LA PRESSE.

ON lit dans le " Temps " :

" La controverse qui s'était élevée entre le Gouvernement français et le Gouvernement espagnol au sujet de l'atterrissage du câble qui relie Tanger et Larache est heureusement aplanie. Le Gouvernement espagnol avait demandé au représentant du Sultan, par l'intermédiaire de son Ministre à Tanger, l'autorisation nécessaire pour effectuer les travaux. Le représentant du Sultan a répondu, le 17 avril, par une lettre dont voici le texte :

" ' J'ai l'honneur de vous faire savoir que j'ai soumis à Sa Majesté le Sultan la demande d'autorisation que vous m'avez faite en vue de l'atterrissage à Tanger d'un câble destiné à relier cette ville à Arcila et à Larache. Sa Majesté, désireuse de manifester une fois de plus ses sentiments d'amitié envers votre Gouvernement, m'a chargé de vous dire qu'elle accorde volontiers l'autorisation sollicitée.' "

Enclosure 5 in No. 55.

Extract from the " Porvenir " of April 25, 1921.

(Traduction.)

M. le Directeur d' " El Porvenir," mon estimé Ami,

DANS la " Dépêche marocaine " d'hier j'ai vu, avec étonnement, la publication d'une note officielle du délégué du Sultan, précédée par certaines explications adressées à donner une fausse idée du caractère de ladite note.

Afin de dissiper des équivoques qui font chaque jour plus difficile la possibilité de résoudre amicalement les questions que je dois traiter, je dois rétablir la vérité des faits, donnant à la publicité que, après une laborieuse conversation avec Sid Mohammed Tazi, pour chercher d'un commun accord la solution amicale d'un conflit qui présentait un grave aspect, j'ai manifesté verbalement au Naïb que, quoique je ne crusse pas nécessaire la permission, ni pusse reconnaître au Sultan des facultés pour la donner en ce qui concerne la zone de Tanger, si avec cela on sauvait une situation qui nous préoccupait les deux, je n'hésitais pas à prendre sur moi la responsabilité de demander verbalement à lui " comme autorité locale de fait " l'autorisation prétendue.

Après cette conversation continua l'atterrissage du câble, opération exécutée sans interruption depuis le 9 courant, et le 17, cette opération déjà finie tout à fait, j'ai reçu la note qui a été publiée, me bornant de la porter à la connaissance de mon Gouvernement.

Regrettant qu'une indiscrétion impropre des usages diplomatiques, mal interprétée, me mette dans le cas de me départir de ma réserve professionnelle, je vous prie d'insérer cette lettre dans le " Porvenir," et, avec mes remerciements empressées, je me renouvelle, &c.—F. SERRAT.

[**W 7239/1623/28**] No. 56.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received August 30.)

(No. 333.)

My Lord, *Tangier, August 22, 1922.*

WITH reference to previous correspondence on the subject of the Décanat, and in particular to my despatch No. 258 of the 27th June, I have the honour to report that my Spanish colleague is again endeavouring to press the question in connection with a trifling matter connected with the appointment of additional members to the Committee of the Public Works. It appears that M. Serrat, in his capacity as doyen, notified the Sultan's representative of the appointment of two additional members. The latter has now sent a note to each of us intimating that he cannot take action on this communication as he is unable to recognise M. Serrat as doyen. The latter, in

a circular couched in his habitual intemperate language, has summoned a meeting of the Diplomatic Corps for next Thursday to consider the matter.

2. My own feeling is that, pending definite instructions from our respective Governments, and, in the absence on leave of our Belgian, Italian and Portuguese colleagues, no fresh meeting of the Diplomatic Corps can lead to any useful result. It is, however, necessary to arrive at some *modus vivendi*, and the best plan appears for us all to sign communications to the Sultan's representative on the rare occasions that it will be necessary to communicate with him in the summer months I have annotated M. Serrat's circular accordingly, and added that I was quite ready to join in a note to Sid Mohammed-el-Tazi, who, incidentally, has now left Tangier for a few weeks' holiday in France, saying that we had adopted this procedure temporarily and in a spirit of conciliation, without prejudice to the question of the Décanat, which we had referred to our respective Governments.

3. It is, however, urgently necessary that the main questions should be settled. It is not likely that either the French or the Spanish Governments will give way, and it will serve no practical purpose for us to support either side. If we support the French view the Spanish agent will decline to attend meetings and the Diplomatic Corps will not be complete. If we support the Spanish view the Sultan's representative will merely decline to reply to communications from the Diplomatic Corps, and a complete deadlock will be reached.

4. In these circumstances some compromise seems essential, and I have the honour to suggest the following for your Lordship's consideration, and, if you see fit, for submission, by whatever channel seems most advisable, to the French and Spanish Governments.

5. M. Serrat might be instructed by his Government to resign the Décanat or to go temporarily on leave. The Diplomatic Corps might then assemble and elect its own doyen, in which case the choice would probably fall on the Belgian agent, who is next in order of seniority, and who would be quite suitable. In order to save the face of the Spanish agent, the British and French agents, representing the two other Powers most interested in Tangier, might be instructed to inform their colleagues that they desired to be excluded from the election. Should the elected doyen leave Tangier before the transfer or recall of M. Serrat the same procedure could be adopted again.

6. I have outlined the above suggestion to my French colleague, who appeared to welcome it as a fair way out of what has become a complete *impasse*, and undertook to recommend it to his own Government. I have not spoken to M. Serrat for obvious reasons connected with his disposition, which is not conciliatory. In order to induce the Spanish Government to accept it might be pointed out to them that the present situation serves neither their interests nor ours, and condemns the Diplomatic Corps to inaction, which may have unfortunate consequences and certainly plays into the hands of the French. The Spanish case, which merely rests on the treatment of M. Serrat in the past, is not, moreover, so unanswerable that it would warrant His Majesty's Government in taking a very strong line.

7. I feel that the above solution would terminate the present deadlock, which is partly due to the Spanish agent's anomalous position. It would, moreover, then be unnecessary further to press the question of his position.

I have, &c.
ARNOLD ROBERTSON.

[**W 7382/1623/28**] No. 57.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received September* 4.)

(No. 609.)
My Lord, *Zarauz, August* 29, 1922.

WITH reference to my despatch No. 594 of the 19th instant, I have the honour to report that the Spanish Minister for Foreign Affairs the day before yesterday informed me that he had been looking into reports connected with the decanate of the Diplomatic Corps at Tangier, but had not yet discovered to what French proposition Señor Serrat had referred, as reported in Mr. Arnold Robertson's despatch No. 258 of the 27th June last. He said he would let me know if he found out anything about him later on. We then went on to speak of the question of the decanate, and he told me that he regretted to see that the British representative at Tangier had proposed that, in order to get over the difficulty with regard to Señor Serrat, the decanate should lapse, and

that the Corps diplomatique should address their representations to the Sultan's representative in Tangier through the medium of collective notes. I said that I believed, from the reports from Tangier which had reached me, that Mr. Robertson's only object in doing this was to prevent, for the time being and until all questions connected with the situation at Tangier could be properly solved by the Tangier Conference in London (which he then believed would take place in October), a deadlock in the relations between the Corps diplomatique and the Khalifa, which would take place if the Corps diplomatique insisted on recognising as their doyen a foreign representative who was not recognised by the Khalifa or by the French authorities. This would, of course, cut off the Diplomatic Corps from communication with the executive in Tangier, and give rise to great embarrassment and inconvenience. I said that I understood that Mr. Robertson's proposal was only made as a provisional arrangement in order to get over these difficulties. His Excellency seemed satisfied with this explanation, saying that if the arrangement proposed was only to be provisional that seemed to him to alter the case. He then went on to say that Señor Serrat had never denied the authority of the Sultan in Tangier, neither had the Spanish Government done so. The Spanish Government realised that, as result of international agreement with regard to Morocco, the Tangier zone still formed a part of the Sultan's dominions, although it was to be subject to a special arrangement to be determined on at a later date, and the Corps diplomatique had special rights within the zone. In fact, he said, the position taken up in this matter by the Spanish Government was precisely identical with that of His Majesty's Government.

I have, &c.
ESME HOWARD.

[**W 7239/1623/28**] No. 58.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 448.)
Sir, *Foreign Office, September* 5, 1922.

WITH reference to my despatch No. 359 of the 18th July last, I transmit herewith a copy of a despatch from His Majesty's agent and consul-general at Tangier on the subject of the situation which has arisen from the refusal of the Makhzen to recognise the Spanish agent at Tangier as doyen of the Diplomatic Body.*

2. It was my original intention to take no action in the matter pending the meeting of the proposed Tangier Conference. Since, however, it appears unlikely that it will be possible now to arrange a conference in the near future, I feel that the present anomalous state of affairs, which deprives the Diplomatic Body of any means of taking corporate action, ought not to be prolonged.

3. I request, therefore, that your Excellency will take an early opportunity of speaking privately to the Minister for Foreign Affairs, and pointing out that the present position is as harmful to Spanish and British interests as it is favourable to French designs. The Spanish Government are playing directly into the hands of the French, and the more obstinate they are, the better pleased will the French be. It is quite clear that in these circumstances the French Government will never give way. Your Excellency should suggest that, if the Spanish Government are unwilling to transfer Señor Serrat to another post, a simple way of saving their face would be to grant him indefinite leave, and agree to the appointment of an acting doyen. This office would automatically devolve upon the Belgian agent, who is next in seniority, and the French authorities could hardly refuse to recognise him in that capacity.

I am, &c.
CURZON OF KEDLESTON.

[**W 7382/1623/28**] No. 59.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 462.)
Sir, *Foreign Office, September* 11, 1922.

I HAVE received your despatch No. 609 of the 29th ultimo reporting a conversation with the Minister for Foreign Affairs on the subject of the decanate of the Diplomatic Corps at Tangier.

* See No. 56.

2. I learn with surprise that the Spanish Government state that they recognise the Sultan's authority in Tangier, since I believed that it was their unwillingness to do so and their consequent refusal to allow Señor Serrat to present letters of credence to the Sultan which have brought about the present unfortunate dispute over the decanate.

3. So far as I am aware, the Spanish Government have always explicitly and implicitly denied the authority of the Sultan in Tangier. The Spanish Ambassador at London, in his note of the 16th February last,* presumably under instructions from his Government, stated that "Spain does not recognise the authority of the Sultan, and much less that of the French Resident Minister for Foreign Affairs, at Tangier." Again, your Excellency will observe from the enclosure to my despatch No. 359 of the 18th July last that the Sultan's representative at Tangier, in his note of the 14th June, states that, in the course of correspondence in 1915 between the Spanish Government and the French Ambassador at Madrid, the former stated that Señor Serrat would not hand letters of credence to the Sultan because his mission only embraced the Tangier zone over which Spain did not recognise the authority and lordship of the Sultan. It is significant that in his detailed reply to the Tazi's note Señor Serrat should not have contradicted this statement, but merely contented himself with remarking that he himself had always carefully abstained from making any pronouncement on the subject of the Sultan's authority, which was outside his competence. The general attitude of the Spanish Government in all recent disputes at Tangier, with the details of which your Excellency is well acquainted, have only strengthened the impression created by the above formal declarations that Spain does not recognise the authority of the Sultan over Tangier.

4. Since the question will probably be raised again when your Excellency carries out the instructions contained in my despatch No. 448 of the 5th instant, you may find it useful to be in possession of the above facts.

I am, &c.
CURZON OF KEDLESTON.

[W 7779/1623/28] No. 60.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received September* 19.)

(No. 628.)
My Lord, *Zarauz, September* 12, 1922.

WITH reference to your despatch No. 448 of the 5th September, requesting me to suggest privately to the Minister for Foreign Affairs that a possible solution of the difficulty which has arisen in Tangier, with regard to the recognition by the French of the Spanish agent there as doyen of the Diplomatic Corps, would be for Señor Serrat to be transferred to another post, or at least given leave indefinitely until the matter could be settled, I have the honour to inform your Lordship that I spoke to Senor Fernández Prida in this sense yesterday. His Excellency told me that Señor Serrat had himself suggested this as a solution, but that the Spanish Government were naturally anxious to avoid it if possible. Failing all other solutions, however, he did not altogether exclude the possibility of the Spanish Government's acting as suggested. For the present, however, he hoped to settle the matter amicably with the French. He told me that he had discussed the question some days ago with M. de Vienne, who was acting as Chargé d'Affaires before the return of the French Ambassador to San Sebastian, and that the latter had told him that, if the Spanish Government would place it on record that they acknowledged the sovereignty of the Sultan of Morocco over the Tangier zone, the French Government would then recognise Señor Serrat as doyen. Señor Fernández Prida went on to say that he had been making enquiries as to whether the Spanish Government had ever objected to recognising the Sultan's sovereignty over Tangier and so far as he could find out they had never done so. Indeed, as he remarked, it would have been illogical for them to object to His Majesty's sovereignty in Tangier, when they acknowledged it in the Spanish zone. He therefore felt that there would be no difficulty in giving the French Government the assurances they asked for, coupled of course with such restrictions on the sovereignty as might be derived from the Act of Algeciras and other international conventions. He was therefore hopeful that this difficulty might shortly be solved on

* See Part 51, No. 76, p. 90.

the above lines. Failing this, however, he understood that the Corps diplomatique in Tangier had themselves a proposal to make, of the nature of which he had not yet been informed, but about which he had requested Señor Serrat to report to him.

His Excellency promised in any case to keep this Embassy informed of any further developments with regard to this question.

I have, &c.
ESME HOWARD.

[W 7791/1623/28] No. 61.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received September* 19.)

(No. 645.)
My Lord, *Zarauz, September* 16, 1922.

I HAVE the honour to acknowledge receipt of your despatch No. 462 of the 11th instant, pointing out that, contrary to what the Spanish Minister for Foreign Affairs told me in the conversation reported in my despatch No. 609 of the 29th August, the Spanish Government appears to have persistently refused to recognise the Sultan's sovereignty and authority in the Tangier zone.

Your Lordship will see from my despatch No. 628 of the 12th instant that Señor Fernández Prida, to whom I had mentioned your Lordship's suggestion that the difficulty about the Tangier decanate could best be solved by transferring Señor Serrat or giving him indefinite leave, repeated to me, but still more emphatically, what he had said on the 27th August respecting the Sultan's sovereignty over Tangier never having been disputed by the Spanish Government. He added that he had been consulting his predecessors about this point, and that they agreed that Spain never had disputed the Sultan's sovereignty in Tangier in so far, of course, as it was limited and restricted by international treaties and agreements respecting Morocco.

This being the case, I venture to suggest that it would hardly serve any practical purpose for me now to appear to insist with the Minister for Foreign Affairs on the refusal of Spain to recognise the Sultan's authority in Tangier by quoting from notes written by the Spanish Ambassador in London, whose declarations may perhaps be explained away by his Government or by the Khalifa of Tangier. On the contrary, unless I am mistaken, it would appear, in my opinion, to be rather an advantage than otherwise that the Spanish Government should now, as Señor Fernández Prida expressed it to me, take exactly the same view of this question as His Majesty's Government, since this should, if anything, help to make a final agreement respecting Tangier between the three Powers rather easier to reach.

I have, &c.
ESME HOWARD.

[W 7791/1623/28] No. 62.

The Marquess Curzon of Kedleston to Sir E. Howard (*Zarauz*).

(No. 475.)
Sir, *Foreign Office, September* 21, 1922.

I HAVE received your Excellency's despatch No. 645 of the 16th instant, and I agree that there is no object now in pointing out to the Spanish Government that they have hitherto refused to recognise the Sultan's sovereignty over Tangier.

2. The news that they are prepared to do so is satisfactory, and I shall be only too pleased if the question of the *décanat* at Tangier can be settled amicably between the French and Spanish Governments without the intervention of His Majesty's Government, as your despatch No. 628 gives some reason to hope.

I am, &c.
CURZON OF KEDLESTON.

[W 8627/1623/28] No. 63.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received October 17.)

(No. 697.)
My Lord, *Madrid, October 14, 1922.*

I TOOK the opportunity of a conversation with the Minister for Foreign Affairs this morning to tell him that I had heard from your Lordship (see your despatch No. 475 of the 21st September) that His Majesty's Government would be glad if the Spanish and French Governments could come to an agreement with regard to the dispute respecting the *décanat* of the Diplomatic Corps at Tangier along the line he had stated to me on the 11th September, which I reported to your Lordship in my despatch No. 628 of the 12th September. I asked him if any further development had taken place since that conversation. His Excellency replied that, having carefully gone through all previous communications with the French Government on the subject, he had come definitely to the conclusion that Spain had never refused to recognise the sovereignty of the Sultan of Morocco over the Tangier zone, subject always to the restrictions imposed in various international acts, and that he was about to prepare a note in this sense to be addressed to the French Government. He promised to let me have a copy of this note as soon as it was sent, for the information of your Lordship.

I have, &c.
(For the Ambassador),
W. E. HOUSTOUN-BOSWALL.

[W 10053/1623/28] No. 64.

Memorandum by Mr. Lindsay.

THE Spanish Ambassador called to-day about the question of the doyen of the Corps diplomatique at Tangier, especially with regard to the suggestion that Spain had never recognised the sovereignty of the Sultan over Tangier. He had been instructed to communicate the substance of a communication made by the Spanish Ambassador at Paris to the French Government, though he was not authorised to leave a copy of it. The substance of the communication was as follows :—

All foreign representatives at Tangier with one exception had acquiesced in the Spanish claim to the decanate for Señor Serrat, and it would be best and wisest to follow the local view. It was therefore to be hoped that the French Government would exercise its influence to make this view prevail. They had indeed already, waiving the question of the date of presentation of credentials, admitted Señor Serrat's seniority. If they had not also recognised his claim to the decanate, this could only be due to the allegation that neither Señor Serrat nor the Spanish Government had ever recognised the Sultan's sovereignty over Tangier.

So far as Señor Serrat himself was concerned, reference was made to his statement of the 25th May, in which he declared that he had never denied the Sultan's sovereignty, and this should suffice to meet the case so far as the person of the Spanish Minister was concerned.

So far as concerned the Spanish Government, a careful examination had been made of all papers, and nothing whatever had been found to show that the Spanish Government had ever denied the Sultan's sovereignty over Tangier, which, on the other hand, had been indirectly recognised. The Spanish Government had indeed disputed the forms and agencies through which the Sultan's authority is manifested in Tangier, and they did not hold that his sovereignty could be regarded as unlimited owing to the Algeciras Act and owing to the fact that he enjoys the protection of a foreign Power ; but they have never denied that he possesses pure and inherent sovereignty, and that his sovereignty over Tangier must continue so long as the Moroccan and Tangier statutes are essentially unmodified.

The only reason for non-recognition of Señor Serrat being this supposed denial of sovereignty, now disposed of by the above statement, the Spanish Government consider that the question should now be reconsidered and the objections hitherto raised waived. No point of principle would be raised, and the position of no Government would be affected by a French recognition of Señor Serrat's status as doyen, because the decisions as to the decanate are matters of the internal concern of the Corps diplomatique and do not affect His Shereefian Majesty.

R. C. L.

December 8, 1922.

[W 10449/1623/28] No. 65.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received December 27.)

(No. 491.)
My Lord, *Tangier, December 20, 1922.*

I HAVE the honour to acknowledge the receipt of your despatch No. 581 of the 14th December, in which your Lordship is so good as to enclose a memorandum of a conversation between the Spanish Ambassador and Mr. Lindsay in regard to the question of the decanate at Tangier.

2. I am afraid that the mere declaration by the Spanish Government that they do not dispute the sovereignty of the Sultan over Tangier is not likely to solve our difficulties. So far as my information goes the French Government are likely to insist that the Spanish agent shall be furnished with letters of credence before he can be fully recognised.

3. Yet a further example of the tiresome position in which the Diplomatic Corps is placed as a result of the dispute about the decanate is occurring at the present moment. M. Malégarie, engineer-in-chief of the Public Works Department, is resigning, and the Makhzen have nominated another Frenchman as his successor. This nomination requires the consent of the Diplomatic Corps in accordance with article 66 of the Act of Algeciras. A few days ago the French agent consulted each of the other agents as to whether they would agree to the Sultan's representative sending a note to each of them notifying the nomination and asking their concurrence. No very definite objection being raised, the Sultan's representative sent a note a day or two later.

4. The question has now arisen as to whether the obtaining of the consent of the individual members of the Diplomatic Corps carries out the letter and the spirit of article 66 of the Act of Algeciras, or whether it is necessary that the Diplomatic Corps should meet and reach its decision after discussion.

5. As far as I am concerned I am perfectly ready to accept the individual note as a way out of an *impasse*. I have suggested to my colleagues, and most of them are in agreement with me, that we can each of us reply to the note and communicate a copy of our reply to each of our colleagues. One or two of my colleagues, notably the Spanish agent and the Italian Chargé d'Affaires, have scruples as to whether their Governments would consent to this procedure, and are therefore consulting them.

6. The plain fact is that so long as M. Serrat remains in Tangier the Diplomatic Corps cannot fulfil its functions as such. On the present occasion it would have been perfectly useless for M. Serrat to summon a meeting of the Corps, as the French agent would not have attended, and no decision therefore could have been reached Further, the Makhzen would not have accepted any communication addressed to it by M. Serrat as dean of the Diplomatic Corps.

7. I gather from M. Serrat that he is perfectly willing, with the consent of his Government, to resign the decanate, and to hand it over to the Belgian agent. Unfortunately, however, the latter has received instructions from his Government not to accept it as a permanency, though he may, as I understand, accept it temporarily in the event of M. Serrat going on leave. The next agent in order of seniority after the Belgian is the French, and it is fairly obvious that M. Serrat would not consent to hand over the decanate to him.

8. I can see no way out of the most unfortunate and undignified position in which we are placed except either for M. Serrat to go on long leave or for the Powers to induce the Belgian Government to withdraw their objection to the Belgian agent taking over the decanate. I gather from my Belgian colleague that his Government are anxious not to be mixed up in a quarrel which appears to them to be chiefly political, and in which they do not wish to take sides. The position of dean is, however, the very position which is best suited to a neutrally-minded representative. As dean all he has to do is to circulate papers and to preside at meetings. He need never make any comments of his own, but can confine himself to carrying out the views of the majority of his colleagues. The diplomatic agent who is not dean must, however,

adopt some attitude in his minutes on circulars, and is compelled therefore to support one side or the other in controversies, big and small, which are in the main political.

9. Perhaps it may be possible for your Lordship to approach the Belgian Government unofficially, and suggest that it would help us out of a wholly impossible position if they would authorise their agent at Tangier to accept the decanate in the event of M. Serrat being really willing to resign.

I have, &c.
ARNOLD ROBERTSON.

(d.) The Grant of an Exequatur to His Majesty's Agent and Consul-General at Tangier.

[**W 5621/170/28**] No. 66.

Mr. Robertson to the Earl of Balfour.—(*Received July* 6.)

(No. 261.)
My Lord, *Tangier, June* 29, 1922.

WITH reference to your Lordship's despatch No. 188 of the 26th April, I have the honour to transmit herewith copy of a note from the French Résident général enclosing a dahir of the Sultan according me an exequatur as consul-general.

Your Lordship will observe that, although I purposely omitted all reference to Tangier in the note in which I requested that an exequatur might be accorded to me, the dahir, in the last paragraph, expressly refers to the Tangier zone.

As His Majesty's Government do not dispute the sovereignty of the Sultan over Tangier, and as no special régime has yet, in fact, been set up, I do not personally see that our case for the internationalisation of Tangier would in any way be affected by our tacitly accepting the dahir as it stands. I should, however, be grateful for your Lordship's instructions in the event of your holding a different view.

Your Lordship will observe that Marshal Lyautey states that the Khalifa of the Spanish zone has been invested by the Sultan with power to grant exequaturs. At present I have "provisional recognition" in the Spanish zone, which I obtained through His Majesty's vice-consul at Tetuan, as directed in your Lordship's despatch No. 310 of the 15th November, 1921. It is perhaps of interest to note, in connection with the proposal that the Sultan's authority at Tangier should be exercised through a Khalifa, that the powers of the Khalifa at Tetuan extend to the granting of exequaturs.

I have, &c.
ARNOLD ROBERTSON.

Enclosure 1 in No. 66.

Marshal Lyautey to Mr. Robertson.

M. l'Agent diplomatique, *Rabat, le* 21 *juin* 1922.

PAR votre lettre du 4 mai dernier, vous avez bien voulu, sur les instructions de votre Gouvernement, me communiquer à nouveau la commission par laquelle Sa Majesté le Roi Georges V vous a confié les fonctions de consul général de Grande-Bretagne à Tanger avec juridiction sur tout l'Empire chérifien.

En même temps, vous me demandiez de présenter ce document à Sa Majesté en vue d'obtenir d'elle l'exequatur qui vous est nécessaire pour le libre exercice de vos fonctions consulaires.

Pour répondre à votre désir et conformément à la procédure en usage depuis 1916, notifiée d'ailleurs à cette époque aux Puissances intéressées, j'ai l'honneur de vous faire parvenir ci-inclus, avec sa traduction certifiée sincère, le dahir en date du 22 mai dernier, par lequel Sa Majesté chérifienne a bien voulu vous accorder, sur ma proposition et pour ce qui la concerne, l'exequatur de vos provisions consulaires.

Par lettres chérifiennes datées du même jour, les autorités makhzen, tant de Tanger que de la zone française, sont invitées à vous reconnaitre en votre qualité de consul général de Grande-Bretagne au Maroc.

Pour ce qui concerne votre juridiction sur la zone d'influence espagnole, je ne puis que vous laisser le soin de vous adresser au Haut-Commissaire espagnol à Tetouan

pour obtenir du Khalifa du Sultan l'exequatur correspondant. Son Altesse impériale Moulay-el-Mehdi a été en effet habilité, par délégation spéciale de son Souverain, à délivrer les autorisations de ce genre.

Vous voudrez bien trouver ci-inclus en retour votre commission consulaire.

Veuillez agréer, &c.
LYAUTEY.

Enclosure 2 in No. 66.

Dahir chérifien.

Louange à Dieu seul !

(Grand sceau de Moulay Youssef.)

QUE l'on sache par les présentes—puisse Dieu en élever et fortifier la teneur—que notre Majesté chérifienne, sur la demande de notre Ministre des Affaires étrangères, Commissaire Résident général de France au Maroc, et sur le vu de la commission consulaire délivrée, par Sa Majesté le Roi Georges V, à Mr. Malcolm Arnold Robertson et lui conférant les fonctions de consul général de Grande-Bretagne pour le Maroc, avec résidence à Tanger, a décidé de reconnaître sa nomination aux fonctions précitées avec juridiction sur les zones française et de Tanger de notre Empire chérifien, et nous demandons à Dieu de l'aider dans leur accomplissement.

Salut !

Ce dahir chérifien—que Dieu le fortifier—a été rendu à Rabat, le 17 Chaoual 1340, correspondant au 14 juin 1922.

Vu pour contreseing et mise à exécution :
Le Ministre des Affaires étrangères de
Sa Majesté chérifienne.

LYAUTEY,
Commissaire, Résident général de France au Maroc.

Rabat, le 19 *juin* 1922.

[**W 5621/170/28**] No. 67.

The Earl of Balfour to Mr. Robertson (*Tangier*).

(No. 281.)
Sir, *Foreign Office, July* 11, 1922.

I HAVE received your despatch No. 261 of the 29th ultimo, enclosing a copy of a note in which the French Resident-General in Morocco transmits a dahir of the Sultan according you an exequatur as consul-general for the French protectorate and the Tangier zone.

2. Since His Majesty's Government do not dispute the sovereignty of the Sultan over Tangier, I agree that their case for the internationalisation of Tangier will in no wise be prejudiced by their tacit acceptance of the Sultan's dahir in its present form.

I am, &c.
BALFOUR.

(e.) Italian Claim to take Part in the Tangier Negotiations.

[W 5632/197/28] No. 68.

Extract from British Secretary's Notes of a Conversation held in the Secretary of State's Room, Foreign Office, London, on Monday, July 3, 1922.—(Received in Foreign Office, July 6.)

Present:

Great Britain.		Italy.
The Right Hon. the Earl of Balfour, K.G., O.M., Acting Secretary of State for Foreign Affairs.		M. Schanzer.
The Right Hon. W. S. Churchill, M.P., Secretary of State for the Colonies.		Nobile Cav. Giacomo de Martino.
Mr. R. G. Vansittart, C.M.G., M.V.O., Foreign Office		The Marquis Visconti-Venosta.
Sir H. J. Read, K.C.M.G., C.B.	Colonial Office.	M. Guariglia.
Sir J. Shuckburgh, K.C.M.G., C.B.		
Mr. W. C. Bottomley, C.M.G., O.B.E.		
Secretaries.		
Sir Maurice Hankey, G.C.B.		
Mr. Pembroke Wicks.		

* * * * * *

Phosphates in Morocco.

M. SCHANZER said that the British Government had had some discussion with the French Government on the question of phosphates in Morocco. The British Government had reached the conclusion that they had no grounds for protesting. He merely asked to be informed that he might be acquainted with the details of the discussion. It was a question of some importance to Italian interests to know for what reason the British Government had concluded that they had no right to protest. He then handed Lord Balfour a brief note on the subject

LORD BALFOUR enquired whether the British Government were concerned; whether they had any *locus standi*.

M. GUARIGLIA said that the matter arose out of an act of the Shereef relating to all mining interests in Morocco, not merely phosphates. The present enquiry arose out of a concession by an Italian company—"à droit de recherche"—which had been bought from Moroccan citizens in the free zone of Morocco.

LORD BALFOUR undertook that the matter should be enquired into.

* * * * * *

Tangier.

SIR EYRE CROWE said that he was not sure whether the Italian Government quite understood the question of Tangier as it really stood. By the agreement of 1904 with France, an understanding had been arrived at in regard to future policy in Morocco. Great Britain had disinterested herself politically in Morocco in favour of France, with the proviso that France should come to an understanding with Spain respecting the latter's interests in Morocco. France accordingly concluded in the same year an agreement with Spain, under which the coastal region became a Spanish sphere of interest, whilst the south became a French sphere. At that time there had been no intention of a change in the *status quo* of Morocco, but provision was made for the contingency of such a change becoming, in fact, inevitable Troubles and disturbances arose, first at Casablanca, then at Fez, and France and Spain felt compelled to proceed to the military occupation of their respective zones This raised in an acute form the question of the proper status of Tangier. Spain contended that, under the treaties,

Tangier, situated geographically within the Spanish zone, formed part of it, subject only to some special arrangements to be made in virtue of its being the seat of the Diplomatic Body. France, on the other hand, looked upon Tangier as being excluded from the Spanish zone altogether, and therefore falling within that part of the Sultan's territory which was placed under French influence.

In order to prevent serious trouble arising out of these conflicting views regarding Tangier at a moment when France and Spain were rapidly extending their military occupation, Great Britain intervened with the proposal to internationalise it. Both Powers accepted this proposal, as offering the appropriate definite execution of the agreement embodied in a Franco-Spanish treaty concluded in 1912, that the town of Tangier with its environs should be endowed with a special administrative organisation to be thereafter determined. It was, therefore, eventually agreed that, whilst French and Spanish protectorates were established over the territories comprised in the zones respectively reserved to those countries, the Sultan's authority over Tangier should be exercised through an international authority. France, Spain and Great Britain then entered into negotiations for giving effect to the proposed arrangement. A convention was nearly completed when the war broke out.

Owing to the difficulties arising out of the conditions of the war, France was anxious to have her protectorate formally recognised. Great Britain, on her part, was ready to accord such recognition, provided the internationalisation of Tangier was definitely effected simultaneously. This was delayed because Spain, at the last moment, proposed certain modifications in the draft convention, which was on the point of being signed. The French Government requested that, as no serious difficulty was anticipated in coming to an understanding on these points, and as therefore signature of the convention was practically assured, His Majesty's Government might consent to recognise the French protectorate without further delay. His Majesty's Government gave way, accompanying their formal recognition by a note to the French Government declaring that the recognition was accorded on the distinct understanding that the internationalisation of Tangier was definitely settled

The present difference with France arose out of the fact that the French Government were now endeavouring to withdraw from their engagement to agree to internationalisation, and argued that the various treaties, conventions and understandings were not incompatible with this abandonment of the scheme of internationalisation. This was the issue which the three Powers signatories of the several agreements had now to settle. There was here no room for the intervention of any fourth Power. All the treaties and agreements had been confined to France, Spain and Great Britain. Italy apparently claimed the right to intervene, on the ground that, as a great Mediterranean Power, she could not allow any question relating to Tangier to be settled without her.

This was a claim which had at one time been raised in an acute form by Germany. It had been absolutely resisted by the three Powers, and it would be remembered how this nearly led to war. If the present Italian claim were to be admitted as well founded, the three Powers would lay themselves open to the charge that in their great conflict with Germany, where a war was narrowly avoided, they had been entirely in the wrong.

Apart from this general consideration, a more specific obstacle in the way of the Italian claim lay in the fact that Italy had long before the Anglo-French Agreement of 1904 disinterested herself in the political affairs of Morocco. This resulted from a Franco-Italian agreement arrived at in 1902.

The position therefore was this: If France, Spain and Great Britain had between them agreed to let Tangier be definitely, and without further restrictions, absorbed in either the Spanish or the French zone in Morocco, it was open to them to do so without any reference to Italy. Instead of this, the three Powers intended—at least this was the British view—to establish an international régime at Tangier. This, therefore, was a great concession which the three Powers were willing spontaneously to offer to other countries. Was it, in the circumstances, open to those other countries to protest, and declare that they must themselves have a voice in determining the conditions on which this concession *ex gratia* was to be made to them?

This could hardly be maintained as a general proposition, and, juridically, Italy was explicitly precluded by her agreement with France from claiming a right to intervene.

This would not prevent Italy, once internationalisation has been achieved, from entering into the full enjoyment of the rights, which would thus be conferred upon

her, together with other Powers having interests at Tangier, and nothing would be more welcome to Great Britain than to find Italy associated with herself in working harmoniously for the proper administration of the Tangier zone once the international administration had been created. But the setting up of the international régime was clearly a matter to be first settled in agreement between France, Spain and Great Britain.

M. SCHANZER said that whilst Sir Eyre Crowe's explanation was very interesting, the fact remained that the agreement of 1904 was part of the general question of the internationalisation of Tangier. The British Government had not succeeded in securing agreement between the three Powers. There was, therefore, no treaty question, and, in face of the proposal for internationalisation, Italy claimed for two reasons to be entitled to take part in the discussions, first as an ally, and second as a Mediterranean Power. The situation was changed by the war. No one could affirm that the internationalisation of Tangier was not a Mediterranean question, and as such concerned Italy as a great Power, and as a Mediterranean Power. Italy could not allow the matter to be settled without her.

SIR EYRE CROWE pointed out that the Italian Government had allowed Italy not to take part in the discussions in 1913, when the question was very nearly settled.

M. SCHANZER observed that after the war the Italian Government could not accept the settlement of this question without the intervention of Italy.

SIR EYRE CROWE said that Italy had accepted the French predominance in Morocco in exchange for Italian predominance in Tripoli. Whether France agreed to keep Tangier or to give it to Spain was a matter for her. Juridically, Italy could not object. Great Britain was concerned owing to the treaty of 1904. Under the agreement Great Britain had drafted, instead of Tangier becoming Spanish or French, it had been suggested to make it international—to give to outside Powers that to which they had no juridical title. Juridically it was a gift to an international body which the outside Powers could not claim as a right.

M. SCHANZER asked whether Sir Eyre Crowe had considered the Treaty of Algeciras, and the fact that the Italians had a representative in Tangier, so that there was already an international status in Tangier. Supposing that at the conference of the three Powers it was decided to give Tangier to France, that would be contrary to the international character of Tangier.

SIR EYRE CROWE said that was not so. Such a decision would not be against the Treaty of Algeciras. The Diplomatic Body had certain rights which would not be altered. He had just received the French Ambassador, who was aghast at what he had read in the newspapers, protested against any intervention of Italy in the matter, and even suggested that Great Britain had no right to listen to such a proposal. Italy had recognised the French protectorate over Morocco, and the fact that she had done so deprived her of any juridical right to intervene.

THE MARQUIS VISCONTI-VENOSTA said that perhaps the French Ambassador did not know that the French Government had recognised Italian interests in Tangier.

SIR EYRE CROWE said that he did not understand upon what juridical basis the argument could be supposed to rest.

M. SCHANZER said that it was a political question—that an important question in the Mediterranean could not be settled without Italy.

SIR EYRE CROWE said the only question was whether the Powers interested in Tangier had a right to make a present of Tangier to an international body.

THE MARQUIS VISCONTI-VENOSTA suggested that the words used by Mr. Balfour at the meeting in the House of Commons on Thursday, the 29th June, should be inserted in article 6.

LORD BALFOUR said that the conversations had been quite informal and confidential, and he refused to be tied down to casual observations made in the course of the conversations. He had again and again said that it was not until France,

Great Britain and Spain had settled their differences that Italy would be entitled to come in

SIR MAURICE HANKEY confirmed that Lord Balfour had repeatedly made this plain.

M. SCHANZER said that for Italy it was a political question concerning the Mediterranean. Italy claimed to have a part in the settlement of all international questions in the Mediterranean. The war had created a new situation. The Treaty of London had laid down that the equilibrium of the Mediterranean must be maintained in favour of Italy. Italy must make her position clear.

SIR EYRE CROWE enquired what Italy would say if Great Britain were to state she had changed her mind, and did not desire to internationalise Tangier. There would be then no negotiations, and Italy would have no right to complain.

M. SCHANZER said that Italy had a right as a great Mediterranean Power to oppose any solution of that kind. If Tangier was given to France, Italy would oppose it.

SIR EYRE CROWE said in that case Italy would be met by her bargain with France. What would she say if France and England claimed to intervene in Tripoli?

THE MARQUIS VISCONTI-VENOSTA said that Tripoli was a settled question; Tangier was not.

SIR EYRE CROWE said that Tangier was only unsettled so far as concerned the three Powers who were involved in the Moroccan question. It was not unsettled so far as Italy was concerned.

THE MARQUIS VISCONTI-VENOSTA said he did not think that France could possibly suppose that Italy was so disinterested in the Tangier question.

SIR EYRE CROWE said that when the internationalisation question was settled, the international element would be represented by the Diplomatic Corps—that was the moment when Italy would come in, and if the British scheme went through, that would give Italy an actual right to a share of the administration of Tangier. The Treaty of Algeciras gave no right to the administration of Tangier, only certain rights in respect of sanitation, waterways and similar matters.

LORD BALFOUR said that he had always maintained that the negotiations must fall into two parts, first, the conference between Great Britain, France and Spain, and then a second stage, when Italy as a Mediterranean Power must take a part. He had not been aware of the additional complication of the Treaty of 1902. He would be much obliged if M. Schanzer would look into the juridical facts of that treaty.

M. SCHANZER said that the question was also a political one, and he wished the British Government would appreciate the political interest of Italy in the matter; that they would recognise it if only as a matter of civility. If France was not ready to recognise it that was another matter.

SIR EYRE CROWE said that it was not a question of not recognising the political interest of Italy. That was already fully recognised.

2, *Whitehall Gardens*, *S.W.* 1,
July 4, 1922.

[W 5716/197/28] No. 69.

Extract from Notes of a Conversation held in the Prime Minister's Room, House of Commons, London, on Thursday, July 6, 1922.—(Received in Foreign Office July 10.)

Present :

Great Britain.	Italy.
The Right Honourable D. Lloyd George, O.M., M.P., Prime Minister.	M. Schanzer.
Mr. R. G. Vansittart, C.M.G., M.V.O., Foreign Office.	Nobile Cav. Giacomo de Martino.
Sir Edward Grigg, K.C.V.O., C.M.G.	The Marquess Visconti-Venosta.
Secretaries.	M. Guariglia.
Sir Maurice Hankey, G.C.B.	
Mr. Pembroke Wicks.	

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ON the question of Tangier Mr. Lloyd George said that since the last conversation he had learnt that Italy had disinterested herself in Tangier in exchange for France's disinteresting herself in Tripoli.

M. SCHANZER said that that was under the treaties of 1902 and 1912, which concerned Morocco, but at the moment, when the question of internationalising Tangier was put on the table, the whole position changed, because it was no longer only a French question.

MR. LLOYD GEORGE said that that point had not yet been settled. The question was whether Italy could come into preliminary discussions, which were treaty discussions. If, as the result of those preliminary discussions, it was agreed to internationalise Tangier, then Italy would come in.

M. SCHANZER said that he only asked that the British Government should recognise Italian interest in the question. He desired to declare his great personal friendship for Mr. Lloyd George, but he was disappointed with the course of the present conversations, and would not be able to defend his policy in Italy if he could not show to the Italian people that these questions were being considered by the British Government not merely in a bargaining spirit, but as a friendly arrangement.

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(f.) Spanish Cable from Arcila to Tangier.

[W 6287/197/28] No. 70.

M. Merry del Val to the Earl of Balfour.—(Received July 27.)

(Translation.)
My Lord, *Spanish Embassy, London, July 20, 1922.*

WITHIN the last few days, the case of the Spanish cable from Arcila to Tangier has been quoted in the press as a proof that the Spanish Government has, independently of the Diplomatic Corps accredited at Tangier, requested the permission of His Majesty the Sultan of Morocco to lay that telegraphic communication, thus creating a precedent which it is now proposed to invoke in connection with the illegal dahir of the 2nd June, 1921, granting the concession of the work of constructing and exploiting the new harbour of that city to the international company for the development of Tangier.

In reality, the facts are as follows :—

Urgent military considerations, which did not permit recourse to be had to the dilatory and obstructive procedure, of which Spain has had to endure so much at

Tangier, obliged the Spanish Government to lay a submarine cable between Arcila and Tangier in the month of April last year, availing themselves of the presence in those waters, during the period of the operations which were at that time being carried out against the Yebala tribes, of the cable-ship "Amber."

On being informed of this matter, the Sultan's delegate addressed a written protest, dated the 9th April, 1921, to the Spanish diplomatic agent, pointing out to him the impossibility of proceeding with the laying of this cable without permission from the Shereefian Government.

Señor Serrat did not reply to this note, and addressed no further communication to the Sultan's delegate with reference to this matter. It is true, that in view of a second note from Si Mohamed el Tazzi, dated the 13th April, 1921, and in order to avoid fresh and serious complications, he expressed to the Shereefian Naib, the hope that he would not oppose the laying and the use of the cable ; but, at the same time, he made it clear that he did so only for the reasons stated, and in soliciting his personal compliance as the *de facto* local authority he was actuated by a desire for harmony. Moreover, he was careful expressly to add that he did not recognise the Sultan's authority as being sufficient in the matter.

Whatever conclusions may have been drawn by the representative of the Maghzen at Tangier, the action of Señor Serrat has no other significance It is not equivalent to a request for permission, the need for which was never recognised, and which, accordingly, cannot be cited as a foundation upon which to base the conclusions now attempted with regard to the concession of the works and development of the port of Tangier.

The Spanish Government lost no time in explaining the matter thus to the French Chargé d'Affaires at Madrid, in replying, by their note of the 21st April, 1921, to that which M. de Vienne addressed to them on the 11th April.

For my part, I have much pleasure in bringing the foregoing to your Lordship's knowledge for such purposes as you may consider expedient.

I have, &c.
ALFONSO MERRY DEL VAL.

(g.) Increase in Tangier Lighterage Tariff.

[W 9793/9793/28] No. 71.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received November 30.)

(No 43.)
(Telegraphic.) R. *Tangier, November 29, 1922.*

TELEGRAM No. 29 of 1920 from my predecessor.*

Note from Sultan's representative received yesterday informs me Makhzen have decided to increase Tangier lighterage tariff as from 1st December by 2½ pesetas a ton in order to balance the budget.

I am enquiring how far the increase may be really necessary, but I have meanwhile addressed formal protest to representative against this evident violation of article 11 of Commercial Convention of 1856. I have added that I hold them responsible for any loss or detriment to British subjects as a result of imposition of tariff without assent of His Majesty's Government.

My United States colleague is taking similar action, and I consulted others. I am also advising British subjects to pay under protest.

[W 9793/9793/28] No. 72.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 562.)
Sir, *Foreign Office, December 4, 1922.*

WITH reference to your telegram No. 43 of the 29th ultimo, I transmit copy of a despatch to His Majesty's Ambassador at Paris,† instructing him to protest to the French Government against the recent decision of the Makhzen to increase the Tangier lighterage tariff without previous consultation with His Majesty's Government.

* Not printed.

† See No. 73.

I request that you will address a communication in similar terms to the French protectorate authorities at Rabat.

2. I am consulting the Board of Trade and the Department of Overseas Trade on the question of making the increased tariff applicable to British goods.

I am, &c.
CURZON OF KEDLESTON.

[W 9793/9793/28] No. 73.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 3599.)

My Lord, *Foreign Office, December* 4, 1922.

WITH reference to my despatch No. 978 of the 29th March, 1920, and to subsequent correspondence ending with my despatch No. 1350 of the 26th April, 1920, I transmit a copy of a telegram from His Majesty's agent and consul-general at Tangier reporting the action of the Makhzen in raising the Tangier lighterage tariff from the 1st instant without previously consulting His Majesty's Government.*

2. I have to request your Lordship to make yet another protest against the proceedings of the protectorate authorities in Morocco, and I enclose a memorandum for communication to the French Government.

I am, &c.
CURZON OF KEDLESTON.

Enclosure in No. 73.

Memorandum for communication to French Government.

HIS Majesty's agent and consul-general at Tangier has reported to His Majesty's Government that on the 28th November he received a note from the Sultan's representative at that place stating that the Makhzen had decided to increase the Tangier lighterage tariff as from the 1st December by 2½ pesetas a ton. Mr. Robertson, who had received no previous warning or intimation that such a step was in contemplation, at once addressed a formal protest to the Sultan's representative against this clear violation of article 11 of the Anglo-Moorish Commercial Convention of 1856, which, of course, is still in force, adding that he must hold the Makhzen responsible for any loss or detriment to British subjects as a result of the imposition of the increased tariff without the consent of His Majesty's Government.

2. It is difficult adequately to express the resentment and annoyance with which His Majesty's Government have learnt of this latest attempt of the French Protectorate authorities to disregard and override British treaty rights in Morocco. The protectorate authorities must be well aware of the rights in question, since a similar incident occurred in March 1920, and His Majesty's Government did not fail to register a protest at the time. It would appear, indeed, as if a deliberate offence were intended, since, if the consent of His Majesty's Government to an increase in the tariff had previously been invited and the necessity of such increase proved, their consent would, of course, have readily been given.

3. His Majesty's Government would be glad to receive explanations on the subject from the French Government at an early date, and some assurance that the policy of systematic encroachments will not be allowed to continue.

Foreign Office, December 4, 1922.

[W 10011/9793/28] No. 74.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received December* 9.)

(No. 458.)

My Lord, *Tangier, December* 2, 1922.

WITH reference to my telegram No. 43 of the 29th November, I have the honour to forward to you herewith a translation of a note from the Sultan's representative,

* See No. 71.

in which he announces the decision of the Makhzen to increase the lighterage dues at Tangier by 2·50 pesetas Hassani a ton "in order to balance the budget." No other explanation is vouchsafed, nor are any details given which would enable me to form an opinion as to the necessity for the increase.

2. The decision of the Makhzen, taken without the previous assent of His Majesty's Government, and enforced at four days' notice, appears to me to be a clear violation of article 11 of the Treaty of Commerce and Navigation of 1856, and I immediately addressed a protest to the Sultan's representative, of which I enclose a copy—a copy of a protest which I have received from the British Chamber of Commerce is also enclosed, together with my reply.

3. Goods now on their way to Tangier will have to pay the increased charges or they will not be cleared from the customs—in these circumstances I can only suggest that British merchants should pay under protest, and send in claims for repayment to be made through the diplomatic channel. I trust that your Lordship will approve this course of action.

4. My American colleague informs me that he has sent in an energetic protest on the same lines as my own. My Belgian colleague is alarmed at the idea of taking any action at all which might appear to have political bias. He proposes to await protests from his nationals, and then to send them to his Government for instructions. I have had no opportunity yet of consulting my other colleagues, but as many of the *chefs de mission* are away on leave, I doubt if the views of the very subordinate officials temporarily in charge would be of any considerable value. None of them have as yet consulted me, and the Diplomatic Body as such has, as your Lordship is aware, ceased to function, in accordance with the French plan.

I have, &c.
ARNOLD ROBERTSON.

Enclosure 1 in No. 74.

Cid Tazi (Sultan's Representative) to Mr. Robertson.

(Translation.)

I HAVE the honour to inform your Excellency that in order to balance the budget of the lighter service at Tangier the Shereefian Makhzen finds it necessary to increase the present lighter tariff by 2·50 pesetas Hassani per ton.

I hasten to inform you of this determination, which will come into force on Friday, the 1st December, in order that you may have knowledge thereof.

May you continue, &c.
MOHAMMED TAZI.

Tangier, 7 *Rabia II*, 1341 (*November* 27, 1922).

Enclosure 2 in No. 74.

Mr. Robertson to Cid Tazi.

Sir, *Tangier, November* 29, 1922.

I HAVE the honour to acknowledge the receipt of your letter of the 27th November, in which you inform me that in order to balance the budget of the lighterage service at Tangier the Shereefian Makhzen finds it necessary to increase the present lighterage tariff by 2·50 Hassani pesetas a ton. You add that this new tariff will come into force on Friday next the 1st December.

2. It is somewhat surprising that this decision should be communicated to me within four days only of its coming into force, and I would draw your attention to the fact that it is an evident violation of the Convention of Commerce and Navigation between Great Britain and Morocco dated the 9th December, 1856. The second paragraph of this article reads as follows:—

> "The charges now paid for lighterage at the different ports shall not be augmented, and the administrators of customs at each port in Morocco shall deliver to the British vice-consul a tariff of the charges now demanded for lighterage."

3. Under the circumstances I have no option but to protest formally against this decision of the Makhzen, which has been taken without the assent of His

Majesty's Government. I must hold them responsible for any loss or detriment caused to British subjects as a result of the imposition of the new tariff.

4. In the meantime, I am communicating with His Majesty's Government and requesting their further instructions in the matter.

ARNOLD ROBERTSON.

Enclosure 3 in No. 74.

British Chamber of Commerce for Morocco to Mr. Robertson.

Sir, *Tangier, December* 1, 1922.

THE committee of this Chamber, at a meeting held this morning, considered the announced increase of 2·50 pesetas Hassani in the lighterage charges at Tangier, and I am now directed to lay before you their views on the matter.

The committee desire to protest against the arbitrary measure proposed. They submit that the commercial community is protected against such modification by article 11 of the Convention of Commerce and Navigation between Great Britain and Morocco, signed in 1856, except where such augmentation may be approved by the high contracting parties and other nations enjoying the most-favoured-nation treatment.

It appears to the committee to be a violation of first principles that an increase in charges for services, the payment of which is settled by convention, should be allowed without previous accord after the submission of detailed explanations.

No satisfactory explanation or data have been offered to justify the measure contemplated by the Makhzen, and the commercial community is, therefore, deprived of the means of checking the statement that the increase is required to balance a budget, or of forming an opinion as to the proper economic administration of the lighterage service.

Speaking generally, the committee would like to add that, so far as they are able to judge on short notice, the proposed charges will add serious burdens to consumers, merchants and to the transit trade.

I am, &c.
L. J. BROWN, *Secretary.*

Enclosure 4 in No. 74.

Mr. Robertson to British Chamber of Commerce, Tangier.

Sir, *Tangier, December* 2, 1922.

I HAVE to acknowledge the receipt of your letter of the 1st December in regard to the decision of the Makhzen to increase the lighterage charges at Tangier by 2·50 pesetas Hassani.

2. In reply I beg to inform you that I am in communication with His Majesty's Government on the subject, and also with the Sultan's representative.

3. Meanwhile, I can only suggest that British importers should, if it is essential for them to clear their goods, pay the increased charges under protest, their protest being filed in each case with Mr. Mackereth, acting British vice-consul, for future purposes.

I am, &c.
ARNOLD ROBERTSON.

[**W 10181/9793/28**] No. 75.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received December 15.)

(No. 471.)

My Lord, *Tangier, December* 8, 1922.

WITH reference to my despatch No. 458 of the 2nd December, I have the honour to forward to your Lordship herewith copies of notes which the Belgian agent and the Italian Chargé d'Affaires have addressed to the Sultan's representative and in which they formulate their reserves before taking act of his Excellency's communication

relative to the increase of the lighterage dues at Tangier.* My Belgian colleague, happily, appears to have reconsidered his decision to adopt an attitude of masterly inactivity.

Your Lordship will observe that both the Belgian and the Italian notes base their reserves on article 11 of the Convention of 1856 and upon article 97 of the Act of Algeciras. Personally, I am inclined to agree that the Comité des Douanes should have been consulted in accordance with the Act of Algeciras, but the wording of article 97 did not appear to me to be sufficiently clear to warrant my basing my protest upon it As the time was short between the receipt of Sid Mohammed Tazi's note and the date on which the increase in dues was to take effect, I preferred to rely upon the clear wording of the Convention of Commerce and to register my protest at once, so that I could eventually send in claims for British subjects for repayment of dues improperly levied.

I understand that my Spanish colleague has also made reserves of an anodyne character, but that he is unwilling to take any strong action, as the authorities of the Spanish zone are also not averse from violating treaties when it suits their convenience.

I omitted to state in my previous report that, prior to 1920, lighterage dues amounted to 10 pesetas Hassani per ton. In 1920 they were increased by 2·50 pesetas Hassani, and now there is a further increase of 2·50 pesetas Hassani. Present dues amount, therefore, to 15 pesetas Hassani, or an increase of 50 per cent. since 1919, imposed without the prior consent of the Governments concerned and without any adequate explanation.

I have, &c.
ARNOLD ROBERTSON.

[**W 10310/9793/28**] No. 76.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received December 20.)

(No. 485.)

HIS Majesty's agent and consul-general at Tangier presents his compliments to the Secretary of State for Foreign Affairs, and transmits herewith copy of a letter from the United States agent and consul-general to Cid Tazzi respecting the lighterage charges increase at Tangier protest.

Tangier, December 13, 1922.

Enclosure in No. 76.

Mr. Denning to Cid Tazzi.

Excellency, *Tangier, November* 29, 1922.

I HAVE the honour to acknowledge receipt of your Excellency's communication of the 27th November, 1922, in which you state that for the purpose of balancing the budget of the lighter administration of Tangier, the Makhzen has found it necessary to increase the present tariff in the amount of 2½ pesetas Hassani per ton; this augmentation, in fact, to go into effect only four days after the date of your communication aforementioned.

In reply thereto, I have the honour to state that since it would appear from paragraph 2 of article 11 of the 1856 Convention of Commerce and Navigation between the Moorish Empire and Great Britain, the provisions of which are applicable to the United States by virtue of the most-favoured-nation treatment, that the Makhzen is prevented from augmenting the lighterage charges at the different ports of Morocco, I desire to reserve all rights in the matter until I have had the opportunity to communicate the substance of your letter of the 27th November, 1922, to my Government for whatever action it may see fit to take.

I avail, &c.
J. M. DENNING,
American Diplomatic Agent and Consul-General.

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* Not printed.

(h.) Tidjani Sect.

[W 6123/6123/28] No. 77.

Mr. Robertson to the Earl of Balfour.—(*Received July* 22.)

(No. 284. Very Confidential.)

My Lord, *Tangier, July* 13, 1922.

I HAVE the honour to report to your Lordship that a few days ago an emissary of the head of the Tidjani sect called on me with an autograph letter of the latter's accrediting him to speak in his name.

The emissary stated that he was authorised to make proposals for the grant of British protection to his religious chief, the Tidjani.

He pointed out the advantages which would accrue to Great Britain from his chief's friendship and the utility she would gain therefrom if the occasion arose.

At the same time he made proposals on behalf of the Tidjani for an alliance of marriage into some influential British family as a further proof of his desires to be friendly towards England.

The emissary stated that the Tidjani holds considerable property in Morocco, including areas rich in gold, silver, copper, lead, &c., and he hoped through these to get into touch with influential British subjects interested in these matters and obtain protection through them

In reply to the request for protection, I informed him that this could only be granted to persons engaged in a *bonâ fide* trade with British firms. He then mentioned the mining interests and said the protection might be based on them. To this I replied that, as no business relations existed at present, it was useless to discuss that point.

He thereupon asked if it would be possible to get British capital interested; to which I rejoined that I was unable to give any opinion, as so much depended on the value of the deposits existing in his properties.

As regards the matrimonial proposal, I requested him to explain to his chief the impossibility of any action on my part owing to, what would possibly appear to him, the singular ideas of the British in these matters.

At the same time I impressed upon him strongly the necessity of informing his chief that by the Anglo-French Agreement of 1904 Great Britain had renounced all political interests in the French zone of Morocco, and that she, being essentially a loyal country, has no intention to act in any way contrary to that agreement.

It may be useful to add a few details on the position of the Tidjani sect, which has, I believe, considerable influence in the Islamic world from Morocco to India, but more especially in the Soudan.

It has the reputation of being an essentially peaceable confraternity and has, so far as I can learn, always eschewed any political activities.

At the time of the conquest of Algeria the grandfather of the present chief, who was then head of the sect and friendly towards France, was compelled, owing to persecution by the Turks, to seek a refuge in Fez in the year 1806. The famous Abdelkader then vainly sought his assistance against the French, which was refused, and, as a reprisal, the former besieged and captured the head Tidjani zowia, which was, and still is, situated at Ain Maadi, in Southern Algeria.

It is computed that the sect has at present some 25,000 adepts in Algeria alone, while in Morocco its zowias are scattered throughout the country.

It is remarkable for the number of Government personages and members of the educated and commercial classes who are its adherents.

I consider that this application is symptomatic of the general feeling in this country towards the French, and it was for that reason that I impressed so strongly on the emissary the impossibility of Great Britain lending herself to any action which might be construed as other than friendly towards France.

I have, &c.

ARNOLD ROBERTSON.

Chapter II.—The French Zone.

(a.) Political Situation in the French Zone.

[W 9768/9762/28] No. 78.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received November* 29.)

(No. 448.)

My Lord, *Tangier, November* 21, 1922.

I HAVE the honour to transmit to your Lordship herewith copy of an article extracted from the "Petit Marocaine," Casablanca,* in which certain aspects of the return of Marshal Lyautey to Morocco are discussed. The writer of the article, M. J. Goulven, after paying lip service to the fame of the marshal, prefaces criticisms of the Administration, of which he is the head, by placing on record that there exists at present "une gêne, une gêne sérieuse même" between the Residency-General and the French population of Morocco. Alluding first to the financial crisis through which Morocco is passing, and which makes it all the harder for the Frenchmen to endure the heavy hand of the marshal's administration, he makes the interesting admission that the Frenchmen who have come to Morocco left France in order to get rich quickly. It is not unnatural, therefore, that the cessation of the period of inordinate speculation should make them pause and review not only the condition of their own private finances, but also what possibilities exist of a general improvement under the present Administration.

2. There follows a list of complaints against individual Departments of the Administration. The customs are too strict; taxation too heavy; the Department of Agriculture somnolent, while the secretariat errs on the other side and maintains far too high a rate of production of decrees, regulations and so forth; the "honesty" of the Public Works Department in regard to adjudications is also criticised, and the railway service is said to be devoid of commercial instinct. The article concludes with a strong plea that the Residency-General should give ear to the complaints and advice of the municipal bodies and Chambers of Commerce and Agriculture. A reader of the proceedings of the Conseil de Gouvernement published in the "Bulletin officiel" might gain the impression that M. Goulven is knocking at an open door. There is little doubt, however, that, in point of fact, very little attention is paid by the authorities to the representations made to them by the bodies referred to, even though these have an official character.

3. It is worth noting that this article represents in language which is studiously moderate a state of mind which finds expression among Frenchmen in private conversation, and also in less reputable journals of the protectorate, in language far less careful of the susceptibilities of the marshal and his Administration. Most Frenchmen complain bitterly that the protectorate has been over-boomed, and they blame Marshal Lyautey for enticing them from France to go bankrupt in a country which they had been induced to believe was flowing with milk and honey. There is no doubt that during the boom in 1919–20 many Frenchmen made large sums of money. Most of them hoped that the speculative conditions which favoured this process would continue. Their operations were largely supported by the French banks, and these have now been compelled to do what they can to call in their advances. Business is at a standstill, and even Frenchmen have time enough and to spare to look round and examine with somewhat jaundiced and critical eyes the general conditions of the Government under which they have elected to live. Such an examination would not be likely to be favourable to any Administration, but the French Protectorate Government affords a particularly large number of weak points which invite attack from discontented critics. Frenchmen themselves are beginning to see that Morocco, whose sole staple industry at the present moment consists in native agriculture, has been overburdened with an administration of the most complete and up-to-date pattern, in the conduct of which the war-time principle of getting things done quickly, whatever the cost, is still observed. It is also, perhaps, unfortunate that the construction of Marshal Lyautey's garage, stables and chicken-run, the cost of which is said to have

* Not printed.

run well into seven figures, had not been finished before the depression in trade gave Frenchmen time to look around them in the intervals between mutually unsatisfactory meetings with insistent tax-collectors.

I have, &c.
ARNOLD ROBERTSON.

[W 10003/9768/28] No. 79.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received December* 9.)

(No. 459.)

HIS Majesty's agent and consul-general at Tangier presents his compliments to the Secretary of State for Foreign Affairs, and transmits herewith a copy of despatch No. 183 of the 30th November from Mr. Heathcote-Smith, Casablanca, respecting public opinion in the French zone in reference to the Resident-General's administration.

Tangier, December 2, 1922.

Enclosure in No. 79.

Vice-Consul Heathcote-Smith to Mr. Robertson.

(No. 183.)

Sir, *Casablanca, November* 30, 1922.

IN connection with the recent return to Morocco of Marshal Lyautey, I have the honour to report on the state of French public opinion in the protectorate.

2. When the marshal left for France for his summer vacation, the usual crop of rumours arose anent the probability of his replacement.

The local press, now that the "eye of the master" was no longer on them, gave free rein to their feelings, and the delinquencies of his administration formed the subject of daily and often violent articles.

His ignorant, incompetent and interested entourage; the inflated budget of his household and all appertaining to the Residency; the exorbitant taxation which is killing the agriculture both of the "colons" and of the natives; the unbusinesslike and ridiculous delays in exploiting the phosphate riches; the abuse of power by the Residency in granting monopolies against the authoritative voice of the French population (the lighterage monopoly accorded to the "Manutention marocaine"); the construction of unnecessary and palatial Government buildings; the concessions for expensive but superfluous ports; the military expeditions far beyond the zone of "le Maroc utile"; the rush into hasty decisions that, to the detriment of the colonists, are as hastily reversed (the official encouragement to settle at the phosphate town of Oued-Zem, which has now lost its *raison d'être* owing to the arbitrary change elsewhere of the phosphate exploitation centre); and, last but by no means least, the widespread conviction that in agricultural questions the "colons" are sacrificed to the susceptibilities of natives; all these and many other questions provided subjects about which the protectorate press waxed hotter and more exacerbated as the maréchal's absence grew in length.

Each one of these aspects of the relations between the Residency and the population can in itself furnish material for a separate report, but as it is here intended briefly to resume the situation as a whole, but one illustration shall be given.

3. The "Manutention marocaine" Company have held the monopoly in the port of Casablanca since 1915 in respect of warehousing on the quays, lighterage, touring, loading and unloading and many other operations. In December 1921 the company was running with a considerable deficit despite their high tariffs, and commercial Casablanca strongly objected to the concession. The Manutention, however, approached the Residency and obtained in principle a renewal of their monopoly, curtailed in some but vastly extended in other respects. On this the official French Chamber of Commerce and Industry of Casablanca were then requested by the authorities to express their opinion on the draft agreement. In a particularly energetic and well-reasoned document the chamber, on the 30th December, 1921, pronounced in favour of the termination of the monopoly. Negotiations ensued which culminated in a meeting with M. de Serbier, acting on behalf of the Resident, at which it was agreed that a revised

draft agreement would be submitted for the appreciation of the chamber, and the chamber were to be invited to reply to it in writing.

Instead of this, there came, on the 3rd July, 1922, an abrupt notification from the Residency to the effect that it was proceeding forthwith to the signature of the contract. It did so, and the extended monopoly of the "Manutention marocaine" now binds the port of Casablanca.

The *dessous* of the affair appears to be that the Manutention is one of the many concerns here (along with the Hotel Exceisior, "Magasins modernes" and others), in which the Banque de Paris et des Pays-Bas is interested, and as this bank has been the chief source of supply for most of the protectorate's enterprises in the past, this layer of golden eggs has to be handled with circumspection.

The indignation of the commercial communtiy, however, at this contemptuous disregard of their representative consultative body is deep and widespread.

They feel, as the press has expressed it, that once again the prosperity of Morocco —and themselves—is subordinated to the corrupt financial dealings of "les messieurs de Rabat."

4. This feeling of helplessness before the dictatorial might of Rabat is, however, relieved clearly and sharply in one salient respect. I refer to the universal confidence in the person of the marshal. In their heart of hearts all Frenchmen in Morocco have an unbounded admiration for Lyautey. They realise that but for his genius and character there would be no French Morocco to-day. They delight in having a man of European reputation at their head. Lyautey is so powerful and respected, despite present troubles and his extravagant financial policy, that only an insignificant minority desire his withdrawal, and of these, many fear the disturbing effect of the changes that may arise. His possession of the dual civil and military power enables the problem of Morocco to be faced as a whole, and this for some years to come is as it should be.

If, while the protectorate be still in her transition stage of armed conquest and peaceful absorption, no central authority can override the conflicting aims of civil and military needs, a fresh cross-current of problems will be eddying across those already besetting the Residency.

It is always felt that Lyautey himself is single-minded, and that it is to the clique of money-making officials and vested interests around him that are attributable the Residency's misdeeds.

Further, the prestige of the marshal enables Morocco to be treated as the spoiled child of France in the matter of loans, credit, lowered tariffs and other privileges.

While blaming the Residency in part for the present financial hardships, the "colons" realise both that the local depression is interdependent on the world crisis, and that Lyautey alone has the power, if it be within the range of possibility, to create the conditions (loans, remission of taxation, advances, &c.), that could produce a new wave of prosperity.

5. Since the return of the marshal the outcry in the press has considerably diminished. This is due in part to the expulsion this month of M. Georges Jourdan, of the "Guêpe marocaine," a scurrilous anti-Residency newspaper, and to the not infrequent blank spaces "censured," which have recently appeared in the daily journals; in part to the recrudescence of hope which the marshal's presence invariably brings. It is impossible for the "colons" to feel absolute distrust towards a man with the record of the marshal, who, at the age of 68, is constantly travelling in all directions across the protectorate, attending meetings indicative of every manifestation of the political, social, commercial and agricultural life of the country, and usually ready to meet and talk with persons in every condition of society.

Morocco, like almost every country in the world, is struggling along in the throes of economic stress, and is grumbling no little during the process.

But, mingled in the natural flood of criticism against the governing body, there is a strong current of affection and esteem for the person of Marshal Lyautey, which is likely to be well maintained up till the date when the marshal of his own free will decides to retire from Morocco.

I have, &c.
C. E. HEATHCOTE-SMITH.

[W 10013/100/28] No. 80.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received December* 9.)

(No. 461.)

My Lord, *Tangier, December* 2, 1922.

WITH reference to my despatch No. 437 of the 9th ultimo, I have the honour to transmit to your Lordship herewith a copy of a letter addressed to me by Mr. Irwin, enclosing two very interesting memoranda on his recent visit to the French zone.

I have, &c.

ARNOLD ROBERTSON.

Enclosure 1 in No. 80.

Mr. Irwin to Mr. Robertson.

Sir, *Tangier, November* 24, 1922.

I HAVE the honour to enclose herewith two memoranda on my recent visit to the French zone.

As the time at my disposal in the several towns I visited was limited, I was unable to see all the people I could have wished to meet, but those I saw gave me what I believe to be a fairly representative idea of present conditions in this country, both from the European and native standpoints.

In view of past experiences, I was particularly careful in all my conversations with Moors to avoid saying anything which could be contsrued as in any way inimical to the protectorate, and whenever possible I laid stress on the conditions prevailing in European countries.

It is perhaps only natural that the Moors should resent new forms of taxes. In the past they have suffered more from the rapacity of the governing classes than from direct taxation. The former they had come to regard as a necessary evil and beyond remedy before the French occupation, but they had hoped that when the protectorate was firmly established all those abuses would disappear. They find, however, that they still continue, while heavy taxation is now added to their former burdens.

When I asked whether a few good years would not allow the country people to recover their former position, the reply was that they had hopes they might if the native authorities and the tax-gatherers would permit them to retain any portion of the profit on their crops.

If present conditions continue, there can be small doubt that the effect on the import trade will be deplorable, as the great majority of the inhabitants of the country are entirely dependent on agriculture, and at present those classes are verging on a state of penury.

I have, &c.

A. IRWIN.

Enclosure 2 in No. 80.

(Confidential.)

Memorandum.

Casablanca.

UNTIL my present visit I had had no opportunity of seeing the town of Casablanca. I availed myself of this occasion to see as much of it as was possible in the time at my disposal.

The most prominent impression left on my mind is one of wonderment at the enormous development of building there, for which, the future prospects of this country being, as far as one can see, almost exclusively agricultural, it is difficult to discern any justification. Merchants and others I spoke with agree with this view, and it is to be expected that much capital will be dropped by those who purchased property there during the boom, when the price of land, in what is now the town, reached exaggerated figures.

At present values apear to have fallen by about 50 per cent., while the franc has depreciated in value at the same time to such an extent that, calculated on a gold basis, it may safely be assumed that properties bought at a fraction under 10*d*. to the franc are now worth 1½*d*. to 2*d*.

In the past the Casablanca export trade was dealt with by three important British firms and a number of small business houses, and it is difficult to see how any future developments can furnish anything like sufficient employment for the vast number of people who have flocked there. It is generally agreed that the "boom" engineered by the French was considerably overdone, and it is expected that heavy losses will be suffered by those who have invested their money there.

I was prepared to find that a certain depression would exist amongst traders, but the result far exceeded my worst anticipation. Merchants all assured me that for the past two years they have been living on their capital. One with whom I spoke had in that period lost 75 per cent. of his. Another, one of the most important in the country, was debating whether the time had not come to realise his business and leave the country.

This depression is principally due to two main factors:—

1. The haste of all importers to dispose of stocks bought at high prices, in view of the constant depreciation of the franc, which is the only currency in the French zone; and
2. The reduced purchasing capacity of the natives, due to bad harvests and heavy taxation.

The recent imposition of the "patente" tax has proved the last straw. Merchants and shopkeepers, both foreign and native, all complain most bitterly of this tax. They would—I will not say willingly, but with a certain amount of resignation—accept a tax on profits, but to be compelled to pay it while suffering heavy losses on trade is beyond their endurance. I believe this matter was brought to the notice of Marshal Lyautey recently at a meeting he had with the French Chamber of Commerce at Casablanca.

All complain also that the tertib tax has been levied in the last years on too high a scale, thus reducing the purchasing powers of the agriculturist to almost the vanishing point.

Marshal Lyautey returned to Casablanca from France the day I left for Marrakesh, and the evening papers had articles severely criticising his administration and its cost, which all consider is excessive. They ask that more money be devoted to developing the country and its resources and less to the, at present, too costly administration and Government buildings, which have been built on very lavish lines.

In connection with this, I overheard a conversation between a French captain and an official of the Telephones Department, who was explaining how his Department was unable to meet the demands for new telephone installations, as, in one case where a credit of 250,000 fr. had been granted for extensions in a town, it had been suddenly reduced to 100,000 fr. The captain, in reply, stated that orders had been sent out for retrenchment in all branches of the protectorate service.

It is agreed on all sides that the protectorate personnel and buildings are considerably in advance of any visible needs, and most people doubt whether any future developments the country is capable of would warrant the heavy expenditure which has been and is still being incurred.

A well-informed member of the British community thought all might still be well if they could only have a clean administration.

Rabat.

Here, again, British trade is carried on by native merchants.

The same complaints were made of bad trade and the losses they suffer therefrom added to the depreciation of the franc, and they referred to taxation as overwhelming.

Those who read the anti-British propaganda in the Arabic papers, which are distributed to certain numbers of Moors, mostly regard it as purely political, and read it somewhat as they would the "Arabian Nights" or other light literature.

Reference was also made by some of them to the licence permitted to native officials and the abuses which arose therefrom.

Mazagan and Saffi.

A British merchant who had just returned from a visit to those towns and whose experience of the country can be relied on for accurate information found that trade conditions there were worse than those existing in Casablanca.

In the circumstances, I concluded that it would be a waste of time to visit those towns, especially as Mr. Selous will be proceeding shortly to Saffi and will be in a position to go into the matter more deeply than I could in a day's visit.

Marrakesh.

In this town I found that British trade is principally done through semsars, who are agents of clients of British firms established in Great Britain.

Similar depression reigned here as in Casablanca, but it is aggravated by the fact that merchants on the coast are dumping their goods on that market. Traders have to meet their obligations, and are compelled to sell at a heavy loss to realise their stocks and remit the amounts due by them to their creditors.

They also complain of the tertib tax, which, while in itself excessive, is greatly abused by the country kaids, who I heard from more than one source levy much more than the legitimate amount, but give receipts for the true sum leviable. It is, of course, impossible for the native to prove this. The country people are by these means being reduced to a state of abject poverty, being compelled to sell their cattle, &c., and in cases their land, to pay these taxes.

The Marrakesh people are chiefly engaged in trade and agricultural pursuits, and take little or no interest in world politics.

I was informed that the district surrounding the city has not proved suitable for French colonisation, and that those who have attempted it are now regretting their choice. It is, however, eminently suitable for olive tree plantations, which would seem to have a good future.

It is thought that the interval between the 1922 and 1923 crops will prove a difficult time in that region. Last year's crops, which early in the year raised high hopes, were a comparative failure.

European ploughing and farming implements had been tried, but natives have reverted to their old methods, which they consider give better results.

British semsars also spoke to me of the difficulties they encounter in collecting debts due to them by natives. I promised them to bring this complaint to the notice of the Basha, which I subsequently did. He repeated to me his usual protestations of his desire to do all in his power to maintain the good opinion we have of him, and said he would not fail to attend to any cases that might be brought to his notice. I can only trust that he will not forget his promise as soon as I left.

Fez.

I spent four days in Fez, and saw almost all of our semsars, who are mainly agents or clients of British firms in England.

Feeling amongst them is very bitter against the French protectorate, which they believe is bent on reducing the nation to poverty, as they say has been done in Algeria and Tunis. It was useless for me to endeavour to explain that as a result of the war all nations were suffering from high taxation, and that they were not the only people who were having experience of this evil. They maintain that, as a young country, taxation should be increased gradually as its resources develop. Instead of this, taxation has, they said, reached and passed the limit of safety in a few years, notwithstanding successive bad agricultural seasons, and agriculture is at present the only resource on which the country can rely.

It would afford them a certain satisfaction if any sufficient part of the revenues were devoted to schemes for the development of the country. They cannot see that this is being done. They do see, however, that too much is being spent on an overstaffed administration, on roads which are in their view purely strategic, and in handsome Government buildings, while little or nothing of the enormous sums raised from the natives by taxation is spent on them or their welfare.

They complain that the municipal revenues of Fez, which have been increased in three years from 1,000,000 fr. to over 3,000,000 fr., are in great part squandered on an unnecessary number of French officials, and that no accounts of revenue and expenditure are published.

The tertib tax was the subject of serious complaint also, as the effect of the extortions of the kaids and the high rate at which it is assessed leaves the farmer little, or, in cases, even a deficit to be made up by selling live-stock or land. In any case, the purchasing power of the country people is reduced to such an extent that its effects on imports is most serious.

The people of the town of Fez form without doubt the largest intellectual nucleus in Morocco. From them have come those merchants who have for centuries left

Morocco to trade in other countries. It may be due in part to this that it is the one town in Morocco in which any number of individuals take any intelligent interest in the outside world and its doings. At the same time, through their trade they keep in touch with all classes of their countrymen. It is from them, therefore, that it is possible to obtain the best idea of what is passing in the minds of the Moors.

During my conversation with a number of them the chief difficulty was to arrest the flow of words in which they gave vent to their feelings on the subject of taxation, corruptions, reckless expenditure on the administration, &c.

Some of them, when they recognised that foreign intervention was inevitable, hoped that England would be the instrument of their redemption, but were prepared to accept and work with France in that task. Events since the occupation have, I fear, disappointed what hopes they had in that respect. They appear to have a fixed idea that it is intended to reduce them to a state of poverty, and, if all they say is true, there would seem to be some grounds for their apprehension.

They consider, rightly or wrongly, that they are being exploited for the benefit of French functionaries, and that nothing is being done for the Moors themselves with the large sums collected from taxes. Some of them referred to the enormous increase in the revenues since the occupation, and hold that that increase is not warranted by any increased prosperity or productiveness of the country. On the contrary, they say the last years have been below the normal in that respect.

I pointed out to them the increased facilities they enjoyed in easy communication with the other towns by road and rail. They regard those, however, as purely strategic works and necessary to the occupation of the country, as they open up but a small portion of the agricultural districts. To my remarks that other roads and railways would doubtless be constructed shortly, they replied that that would be of little use to the natives, as by then they would all be ruined.

Fez Municipality.

All the Fez people whom I met spoke of the alarming increase in the revenues of this municipality during the last three years.

I find on reference to the "Annuaire économique," 1921–22, that in 1917 the receipts were 1,412,313·04 fr., and expenditure 910,392·45 fr., while in 1920 they had reached 3,956,885·90 fr. and 2,861,248·32 fr. respectively.

They consider that the municipality is greatly over-staffed, and that the funds of the municipality are being used too much to create posts for French officials, while only a few badly paid posts are reserved for the Moors.

One of my informants added that certain French officials on the Municipal Council had expressed themselves as opposed to the constant increases in taxation, which they considered too heavy.

British protégés appear to be especially marked down for excessive taxation on their properties, and they have found that complaints only lead to revision and an increase of the tax imposed. They consequently now refrain from contesting the assessments.

In two cases which were brought to my notice, British protégés who were not at home when the assessors called had arbitrary taxes imposed because their women folk refused to allow the inspectors to enter their houses in the absence of their husbands. In one the tax was raised in two years from 50 fr. to 400 fr., in the other it was also considerably increased.

When the former protested, the only reply he received was: "Oh yes, you are the man who refused to allow the assessor to inspect your house!" He was then approached by a French military officer with the proposal that he should renounce his protection, when he would receive exceptionally favourable treatment. Needless to say he refused and has to pay the tax.

Currency.

The compulsory imposition of the franc as currency has irritated all classes beyond measure.

The constant fall in value of that coinage as compared with others, especially the £ sterling, in which a large part of their imports are paid, has resulted in heavy losses to merchants, and they ask why they could not be allowed to retain their old silver coinage, which has not depreciated to the same degree.

The same argument applies to all classes who find, if they have been able to put anything by, that when they come to invest or spend it this paper money has decreased considerably in value.

I explained to those who raised this point that the entire blame lies with the Germans, who will not pay the war indemnities (this brought most exhaustive anathemas on that nation), and that nobody would be better pleased than the French to find the franc regain its original value.

Some of the merchants in Fez, who trade largely with Manchester or English firms on the coast, were, and still are, in the habit of depositing large sums in francs with British banks or firms, hoping for an improvement in the rate. As, however, it was constantly falling the banks informed them that they refused to hold the francs any longer as security, and they were compelled to effect the exchange at the rate of the day, which involved them in losses amounting to many thousands of pounds.

Some banks went so far as to say that they are beginning to have as little confidence in the franc as they have in the German mark. This caused great consternation to those who received the communications from the banks, who doubtless passed on the news to their fellow-merchants.

Taxation.

All connected with commerce or agriculture, whether natives or Europeans, insist that taxation is very much too high and is bleeding the country to death.

The taxes principally complained of are those on the products of the country, which consist of :—

1. The tertib tax, which is levied on crops, olive and fruit trees, cattle, horses, camels, mules, donkeys, &c.

These complaints are, however, confined to its incidence as regards crops and olive trees, in which there is great scope for maladministration on the part of the native assessors, and considerable abuse is practised in the assessments and in the collection. The kaids, who are interested with the assessment, retain, I am informed, 10 per cent. of the tax collected. This is naturally an incentive to over-assessment, while I heard from several different sources, both European and native, that some kaids exact sometimes up to double the amount properly due, but give receipts for only the amount properly leviable. It is, of course, impossible for merchants to verify these statements of the Moors, as they have only their word to support them.

On all hands I heard that the country authorities have much greater freedom in this respect than was the case say three or four years ago. Some attribute this to the general decline in morality since the war, while others regard it as intentional in order to impoverish the natives.

2. Market tax on all produce sold in the country markets, which all claim is too heavy.
3. Gate tax on same when it enters a town, although it may have already paid the country market tax.

Then there are the levies made on the natives by the kaids whenever any functionary passes through their districts, a practice which is apparently greatly abused by the kaids for their own benefit.

In the towns there are :—

1. The "taxe urbaine" levied on all buildings, which has recently been raised from 8 per cent. to 12 per cent.
2. The recently instituted "patentes" tax on all businesses and trades, concerning which I have made a few remarks under the heading "Casablanca." The same remarks apply to Fez.

The incidence of this tax in Fez is very heavy on the small shopkeepers, who, independent merchants assured me, are required to pay in this tax a sum in cases equal to the amount of capital they employ in their small businesses. This is probably somewhat exaggerated, but from all I heard there is no doubt that it falls much too heavily on the smaller shopkeepers.

Where British protégés have complained of too high assessments of house tax and asked for a revision, they say they have found that the first assessment has been increased. They have therefore stopped appealing when they consider the tax levied on their property is too high.

Imports through Oujda.

Owing to the low duty of 5 per cent. levied on the Algerian frontier, Fez merchants are now bringing most of their goods that way. Formerly only the more valuable articles, such as silk, &c., came by that route.

This would account for the desire of the protectorate Government to revise the duties imposed at present there, and the reluctance of the Algerian authorities to consent to any alteration.

As the customs import duties at the ports are fixed at 12½ per cent. the Fez merchants find the difference of 7½ per cent. a great help in reducing losses at the present juncture.

Fedala.

An opportunity offered while I was at Casablanca to visit the new port at Fedala.

Negotiations are at present going on between the port company and the Anglo-Asiatic and Vacuum Oil Companies with the view to the installation there of head depots of the products of the latter companies for the whole of Morocco.

As, however, at low tide there is only a depth of 3½ metres of water in the port the oil companies require that it be deepened to permit their vessels to enter.

On the other hand, the port company will only undertake that work if an agreement is reached with these companies, as it will have to find fresh capital for that purpose.

Negotiations were proceeding between the agents of the oil companies and the port company while I was at Casablanca.

Enclosure 3 in No. 80.

MEMORANDUM.

(Confidential.)

Near Eastern Question.

Propaganda.

Some of the merchants I met spoke about the Near Eastern question and are in sympathy with Mustapha Kemal and his movement. Arabic papers, Anglophobe, which are distributed gratis to a chosen number of town Moors, have kept them posted in events in those parts, and quite naturally, as Orientals and Moslems, they side with the one they are told is fighting for Islam. They hope, however, that Mustapha Kemal will eventually come to an arrangement with the Western Powers and work in concert with them. They recognise that it is impossible for him to run counter to the policy of those Powers, and that Turkey cannot exist in isolation.

The anti-British propaganda in these papers, they told me, is producing an effect on a number of the Moors who begin to think there is something in the constantly reiterated accusation against England. Those, however, who have seen anything of the outside world, or are in touch with those who have, recognise that it is all what they term "siassa" (political), while others admit they read those fulminations as they would the "Thousand and One Nights," to pass their time, and believed as much in the one as in the other.

This, however, does not mean that the Moors by losing faith in Great Britain are being drawn any closer to France. They tell me it is quite the contrary. Their experience since the occupation has opened their eyes on the subject of French affection for Islam; some of them go so far as to say that when their co-religionists in Egypt and other British Moslem countries hear from them what is happening here their eyes will be opened too.

Before I went to Fez I had heard that secret parties on the lines of the Young Turk Party are being formed in Fez. As this was a matter which I considered it inadvisable to refer to I did not mention it to any of the people I met. It was, however, confirmed to me voluntarily by one of them, but I did not follow up the point and quickly passed on to another subject.

With reference to the propaganda in the Tunisian papers, I took the line that the press had considerable freedom and that the protectorate was in no way responsible for what appeared in it. I admit that my argument failed to convince them, as they said the papers were distributed by its officials and that occasionally whole issues were not allowed to be distributed.

In the course of conversation with a small number and talking about mutual friends, I mentioned that I had met the Grand Vizier and the Sultan's representative in Tangier after their return from Paris. They then referred to the mosque which is being built there, without, however, displaying any great interest in it.

Some of them spoke with considerable feeling of the way in which French functionaries acquire fortunes in short periods of service. Some asked if an Arabic paper could not be published in England.

Hadj Thami-el-Glaoui.

Although I was in Marrakesh during the feast of the Mulud, I was fortunate enough to be able to see Hadj Thami.

After the usual complimentary conversation he at once began to speak about his great affection for England and everything English. He assured me that his gratitude for all the late Sir Reginald Lister had done for him would never fade. His position and everything he possessed was, he said, due to his intervention and he would never forget it.

He added that although England has for the time being "turned her eyes" from him, his friendly feelings and gratitude to her were as strong as ever, and if she should ever require him she could count on him.

I did not follow up the remark beyond saying that his friendly sentiments and his gratitude for all Sir R. Lister had done for him were well known to His Majesty's Government and to His Majesty's Minister, who hoped that nothing would ever occur to alter the friendship which existed between them.

He then referred to his recent expedition in the Tafilelt district, about which he spoke with the greatest frankness.

The expedition had, he said, been a failure, and the protectorate forces had had to withdraw, leaving a fortified post at the last position occupied in the Ait Bon Gammas, near Dades.

The last position attacked by the Government forces had proved impregnable. It could be approached by one narrow defile only and was strongly held by the enemy armed with the latest pattern of French army and other rifles. The tribesmen were such exceptionally good marksmen that nothing could show in the open within a distance of 2 kilom.

The French pattern rifles were, he said, obtained from Algeria and Morocco, and ammunition existed in large quantities. For instance, he told me that, one of his columns having run short of cartridges, the officer in charge was able to borrow 2,000 from one sheikh alone. When he joined the force that officer told him of the loan and he called up the sheikh to repay it. He enquired of him where he obtained them and was told that the tribes were able to get any number of them. Hadj Thami remarked that he was not able to do so and begged him to tell him where they came from. The reply was from Marrakesh, but he could not get from him any fuller particulars. The man, however, promised when he next went to Marrakesh that if Hadj Thami still wanted cartridges he would get them for him.

A fresh expedition is to be sent after the rainy season.

Hadj Thami then went on to say that dishonesty was now more rampant than ever before. The war had apparently demoralised everybody, and the change in this respect during the last three years was appalling.

He went on to speak of the mosque which is being built in Paris, and deprecated the excessive fuss that is being made about it. Mosque building, like prayer, he said, should be undertaken in a spirit of humility, without undue publicity.

He likened the French in the matter to the proud parents of a first child. Later on as the family increased less ado is made about the arrivals.

He had heard that several mosques existed in England, but he had not heard of any great excitement when they were being built, and quoted the Arabic fable of the wild pig and the nanny goat she discovered in the woods making a great clamour, who when asked the reason for so much noise replied: "I have given birth." The pig then asked how many she gave birth to at a time. The goat replied one or two, whereupon the pig requested her to go with her and showed her her last litter of about twenty, saying: "You see that? Well, that was done in silence."

Shereefs of Tamsloht.

After seeing Hadj Thami-el-Glaoui I considered it advisable again to see the Shereefs of Tamsloht, who had had to return to their zowia for the big fête of the year. Their version of the reverse suffered by the Glaoui force tallies in every

respect with the latter, except that they added that their latest information was to the effect that strong night attacks were being made on the fortified post in the Ait Bon Gammas, which, however, was successfully resisting.

They confirmed his statement that the tribes were armed in part with the latest pattern French and German rifles, but thought they came from the Riff and elsewhere.

For themselves they had no complaint to make of their treatment by the protectorate authorities. They did, however, complain bitterly at the way the natives were being reduced to a state of destitution by heavy taxation and the rapacity of the kaids and sheikhs, and especially to their abuse of the tertib tax, as I have related elsewhere.

They referred to the anti-British propaganda in the Arabic press, which they thought had little effect in the south. They confirmed what I had heard from others about the distribution of Tunisian papers with such articles to certain selected Moors.

The day I went to Tamsloht was the big feast day of the year, when the customary sacrifice of two camels is made to the patron saint and offerings are made by the natives.

This year the attendance was, I was told, but a fraction of the former number who met there, and the falling-off is attributed entirely to the fact that taxation and corruption have left the natives nothing to spend on new clothes or to offer to the saint.

The shereefs asked that their youngest brother (the fourth of the sons of the late Moula-el-Hadj) be granted British protection.

Education.

In all the towns the protectorate has built large and imposing schools for Europeans and others called "Franco-Arabe" for the natives.

The education afforded in the European schools is said to be excellent, while that in the "Franco-Arabe" schools is found by the better class Moors to be too rudimentary. They have in Fez consequently opened their own schools.

In Casablanca, Marrakesh and Fez there seems to be a general desire for English schools.

As has been the case in Tangier, the Moors in Fez and in the other towns have found that the education given by the colleges instituted by the French is of the most elementary character. It will, in their words, fit their sons for posts as servants, but never for Government posts of any importance. A very considerable number have consequently withdrawn them from those colleges and have instituted eleven new schools of their own in the different quarters of the town, in order to give them the best education they can in their own language. A high official interviewed them and asked their reason for withdrawing their children from the colleges; they replied that it was done from religious motives, and they have heard nothing more of the matter.

They had proposed to the authorities to allow them to bring professors from Egypt, Syria or Tunis, but permission to do so was refused. They are consequently doing the best they can with the material they have at hand, and find that their children are making satisfactory progress.

Many hope later on, when they have been thoroughly grounded in Arabic, to send them to other countries to complete their education.

I was astonished to find the Fez people, who formerly were the most fanatical in the country, are now eager for Western enlightenment and desirous of doing away with all their old semi-barbaric ideas regarding saint worship and the absolutely savage rites of certain of their religious sects such as the Derkaoua, Hamadcha, &c., which they feel belong to the "times of ignorance."

Protection.

During my visit to the French zone I went into this matter with Europeans and natives, in an endeavour to discover the reason for the great increase in recent years of the desire for British protection.

The surrender by other Powers of the Capitulations has always been looked on by this agency as one of the principal causes.

Many of our semsars complained, offering to produce proofs, that British protégés are taxed higher in the towns than non-protégés.

They find that they can get no assistance from the authorities when they apply

for it in connection with debts or claims, and when they bring cases before the courts they encounter interminable delays.

Pressure has been brought upon some of them by military officers and officials to renounce their protection under promises of preferential treatment if they will do so. They all, however, profess their readiness to patiently suffer these injustices rather than relinquish their protection, in which they take considerable pride, and possibly also they prefer to "suffer the ills they have."

The British subjects with whom I spoke expressed the desire that protection should continue, as while their agents are protected they can, should the necessity arise, prosecute them in the British consular courts and obtain speedy justice, whereas they find that when they have to prosecute non-protected natives for debts or other matters they encounter interminable delays, if not active opposition.

Religion.

At the time of the visit of the President of the French Republic to Fez the authorities wished to have the Aisowa, Hamadcha and other sects out to welcome him, also a gathering of Moorish women—who would probably have been mostly of the dissolute class—to make the customary cry known as "Zaghrit" in sign of rejoicing, as was done, I believe, at Marrakesh and other towns.

So much opposition was raised, however, that, notwithstanding that much pressure was exerted to induce them to agree to it, they remained firm and that part of the ceremony was dropped.

They objected, they explained, to having pictures published in the European papers, and produced in cinemas, of such barbarous practices. They wished Europeans to have a better idea of their degree of civilisation.

A considerable party also wish to abolish saint worship, which they consider antiquated, and look upon the idea of kissing a bit of wood over the grave of persons long dead as ridiculous. They consider that no good can be obtained from pravers addressed to reputed saints or others; their idea is that intermediaries are not necessary, and that their orisons should be made direct to "Allah."

They hope that by proper education their country will, in twenty or thirty years, be sufficiently advanced to attain their object, either peaceably or otherwise ("revolution" was the word employed).

A. IRWIN.

(b.) **Protection.**

[**W 6160/165/28**] No. 81.

Sir M. Cheetham to the Earl of Balfour.—(Received July 24.)

(No. 1721.)

SIR M. CHEETHAM presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from M. Poincaré, dated the 22nd July, respecting British-protected persons in Morocco.

Paris, July 23, 1922.

Enclosure 1 in No. 81.

M. Poincaré to Sir M. Cheetham.

Ministère des Affaires étrangères,
Paris, le 22 juillet 1922.

M. le Chargé d'Affaires,

VOUS avez bien voulu, le 20 janvier dernier, me transmettre un mémorandum rédigé par le Foreign Office sur la protection britannique au Maroc.

J'ai l'honneur de vous faire parvenir ci-joint une note dans laquelle sont exposées, point par point, les observations qu'a suggérées à mon Département l'examen, effectué dans l'esprit le plus attentif et le plus amical, du document que vous avez bien voulu m'adresser.

Agréez, &c.
POINCARE.

Enclosure 2 in No. 81.

Memorandum respecting British-protected Persons in Morocco.

LE mémorandum britannique reprend avec la Résidence générale l'examen de observations formulées par celle-ci dans sa lettre du 12 octobre 1921 :

1. Octroi de certificats de censaux aux personnes non employées par des commerçants étrangers.

Le mémorandum reconnaît que, dans une stricte interprétation de l'Arrangement franco-marocain de 1863, les employés seuls, à l'exclusion des clients des firmes anglaises, sont aptes à recevoir la protection, mais fait valoir que, depuis près de soixante ans, l'habitude a été prise par le Maghzen de donner son assentiment à l'octroi de la protection à de simples clients.

La Grande-Bretagne se déclare disposée, cependant, par esprit de conciliation, à revenir sur cette pratique abusive, à la condition que toutes les autres Puissances, y compris les Gouvernements français et espagnol, soient d'accord pour en faire autant et que la règle soit applicable à tout le Maroc, y compris Tanger.

Pour ce qui concerne la zone française, où seule la Grande-Bretagne et les États-Unis conservent des protégés, la question ne se poserait donc pas si elle n'était pas liée à celle des zones espagnole et de Tanger.

Or, pour ce qui concerne la zone espagnole, la Résidence se trouve n'avoir nullement qualité pour intervenir auprès du Haut-Commissariat de Tétouan en vue d'une stricte application de l'arrangement de 1863 ; la France n'a, au surplus, plus de protégés en zone espagnole. Il appartient donc à la Grande-Bretagne, si celle-ci désire régler des questions de protection en zone espagnole, d'intervenir directement et personnellement à Tétouan.

Quant à la zone de Tanger, le Maghzen central a donné à son représentant en cette ville des instructions lui prescrivant d'appliquer strictement, en ce qui concerne cette ville, les règlements relatifs à la protection, et la Résidence générale serait reconnaissante au Gouvernement britannique de lui signaler les abus auxquels pourrait donner lieu l'octroi de protections étrangères à Tanger, afin de la mettre en mesure de renseigner à ce sujet le Gouvernement chérifien.

2. Le Gouvernement britannique fait valoir que l'arrangement de 1863 n'a pas spécifié que pour avoir droit à des censaux, les firmes devaient faire à la fois du commerce d'importation et d'exportation, mais seulement l'une ou l'autre de ces opérations ; il ajoute que la pratique suivie depuis tant d'années confirme l'interprétation donnée par l'Angleterre, comme toutes les Puissances, du règlement de 1863.

Le Ministère des Affaires étrangères et la Résidence générale, en présence de la contradiction des textes concernant cet arrangement, reconnaissent avec le Gouvernement britannique que la pratique suivie jusqu'à l'instauration du protectorat n'exigeait pas de la maison protectrice qu'elle fît à la fois du commerce d'importation et d'exportation ; elle reconnaissent également que le Maghzen, malgré l'argument donné dans la lettre à Sir Herbert White du 12 octobre 1921, n'a cependant pas hésité, dans des cas où il ne s'agissait que de firmes faisant exclusivement de l'importation ou de l'exportation, à donner son consentement à l'octroi de la protection britannique à des représentants de ces firmes au Maroc (*cf.* lettres de la Résidence générale à Mr. Robertson des 24 mars, 22 mai et 6 juin 1922).

3. Limitation à deux du nombre de courtiers indigènes pouvant être protégés par les maisons de commerce.

Le Maghzen maintient son point de vue, à savoir que ce nombre de deux est un maximum, mais ne constitue pas un droit, et que seule l'importance des affaires traitées par une firme étrangère au Maroc permet de décider s'il y a matière ou non à l'octroi de protégés et, dans l'affirmative, si un ou deux censaux peuvent être accordés.

Il a été entendu entre l'agence diplomatique de Grande-Bretagne à Tanger et la Résidence générale que, lorsqu'une firme aurait déjà un censal dans une ville et en demanderait un second, la demande mentionnerait l'existence de ce premier censal. Or, ce rappel ne peut se justifier que par la nécessité d'appeler l'attention du Maghzen sur l'existence d'un premier censal et l'intérêt qui s'attache à ce que l'enquête concernant le second soit particulièrement serrée, afin de permettre d'établir si l'octroi d'une seconde patente de censal est justifiée par l'importance des affaires commerciales de la firme demanderesse.

4. Droit pour les firmes non installées au Maroc d'avoir des censaux.

Le Gouvernement de Sa Majesté britannique se déclare prêt à maintenir l'offre

faite par Sir Edward Grey dans ses notes à M. Cambon des 1er avril et 30 juin 1913, à savoir que de nouvelles cartes de censaux ne seraient pas accordées à des firmes anglaises ne résidant pas au Maroc, à condition que toutes les autres Puissances signataires de l'Acte d'Algésiras soient d'accord pour adopter une procédure similaire en ce qui concerne leurs nationaux.

En remerciant le Gouvernement britannique de cette aimable offre, le Gouvernement chérifien prie le Ministère des Affaires étrangères de faire savoir au Gouvernement britannique qu'en dehors de la Grande-Bretagne et des États-Unis d'Amérique aucune autre Puissance signataire de l'Acte d'Algésiras ne bénéficie plus, en zone française, du régime des Capitulations et ne possède donc plus de protégés.

En ce qui concerne les États-Unis d'Amérique, le Maghzen s'est toujours refusé, et se déclare prêt à refuser, son consentement à toute demande émanant de l'agence diplomatique de cette Puissance à Tanger et tendant à obtenir que des protégés soient accordés à des firmes américaines non installées au Maroc.

Le Maghzen estime que, dans ces conditions, le Gouvernement britannique, satisfait des assurances données ci-dessus, donnera à son agence diplomatique à Tanger les instructions nécessaires pour qu'aucune nouvelle demande de censaux émanant de firmes ne résidant pas au Maroc ne soit plus transmise au Gouvernement chérifien.

En ce qui concerne la zone de Tanger, le Ministère des Affaires étrangères tient à donner à l'Ambassade de Sa Majesté l'assurance que le Maghzen a adressé aux autorités chérifiennes de cette ville les instructions les plus formelles touchant l'application stricte des traités et conventions en matière de protection.

Ces autorités n'ont jamais manqué d'exécuter ces instructions et de refuser de reconnaître les protections qui étaient accordées par des Puissances en violation des traités. Si, malgré ces refus, des indigènes ont pu se prévaloir indûment de protections irregulières, ils ne l'ont fait qu'avec l'appui d'autorités étrangères peu soucieuses de se conformer, en ce qui les concernait, à l'application de textes qui les liaient.

Le Maghzen, en faisant toutes réserves au sujet de ces protections qu'il se refuse à reconnaître, ne peut aller au delà de cette protestation de principe, laissant aux autorités étrangères qui négligent les dispositions des traités la responsabilité de cette violation, afin de ne pas provoquer des conflits qui seraient de nature à porter atteinte à l'ordre et à la sécurité publics à Tanger.

Le Maghzen ne peut s'empêcher de regretter de voir le Gouvernement britannique lier la question de la protection en zone française à celle de la protection à Tanger. Alors qu'en zone française, tous les efforts sont faits par le protectorat pour maintenir et faire respecter l'autorité du Sultan en même temps que les traités, à Tanger le Maghzen et son représentant doivent lutter pour assurer ce respect et empêcher que les droits qu'il a conférés par traités aux Puissances étrangères soient outre-passés.

[**W 6160/165/28**] No. 82.

The Earl of Balfour to Mr. Robertson (Tangier).

(No. 331.)

Sir, *Foreign Office, August* 2, 1922.

WITH reference to your despatch No. 118 of the 20th March last, I transmit herewith, for any observations you may have to offer, a copy of a note addressed to His Majesty's Chargé d'Affaires at Paris by the French Government,* on the subject of British-protected persons in Morocco.

2. You will observe that the French Government state that the Makhzen have always rejected every request by the United States Agency for the grant of protection in the French zone to the brokers of non-resident American firms. It is also inferred, though not explicitly stated, in the beginning of the note that the Makhzen are not prepared to accord semsar certificates in the French zone to the clients, as opposed to the employees, of United States merchants. I request that you will ascertain from your United States colleague whether the attitude of the Makhzen as stated above in regard to these two points has been communicated to the United States Government, and, if so, what view they take of the matter.

3. As regards the Tangier zone, I am not disposed to depart from the view that the question of protection in the French and Tangier zones are closely related. In the first place the Sultan, through the French Government, claims, and His Majesty's Government recognise his sovereignty over both zones. In the second place there

* See Enclosure in No. 81.

appears to be ample evidence that both the French Agency and the Sultan's representative connive at, if they do not actually encourage, the abuse of the system of protection by French nationals in Tangier. In this connection I shall be glad to learn whether the instances of such abuse quoted in Mr. Kerr's despatch No. 485 of the 3rd December last still hold good, and whether you are able to furnish me with particulars of any further similar cases.

I am, &c.
BALFOUR.

[**W 7604/165/28**] No. 83.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received September 12.)

(No. 326.)

My Lord, *Tangier, August* 12, 1922.

I HAVE the honour to acknowledge the receipt of Lord Balfour's despatch No. 331 of the 2nd instant, in which his Lordship was so good as to ask for my observations on the note addressed to His Majesty's Chargé d'Affaires at Paris on the 22nd July last, on the subject of protected persons in Morocco.

2. I duly made enquiries of my United States colleague in accordance with the instructions conveyed in the second paragraph of Lord Balfour's despatch, and was informed that the question of according semsar certificates in the French zone to the clients, as opposed to the employees, of United States firms has never, in fact, been raised. As regards the issue of certificates to the brokers of non-resident American firms, it appears that the United States agency have, as yet, paid no attention to the Makhzen's objections to such a procedure. They mentioned a case to me, by way of example, which arose in 1915, when objection was made to the issue of a certificate to the broker of an important Boston firm which had no branch in Morocco. The agency took no notice of the objection, and issued a certificate to the same man in the following year. No objection was made subsequently, so the agency assume that the Makhzen have accepted the situation.

3. I may add that the United States agency have not adopted the practice of this agency of asking the Makhzen's consent to the issue of semsar certificates. The view of the United States Government appears to be that they alone have the power to decide to whom they shall issue certificates, though they are willing to consider any objections that the Makhzen may make in regard to the desirability or otherwise of any particular individual. For the rest they confine themselves to sending annually to the Sultan's representative at Tangier a list of the persons to whom they have granted certificates, without, however, asking for his observations, let alone his consent.

4. As regards the contentions of the French note under reference, they seem to be fully met by Mr. Clark Kerr's despatch No. 459 of the 12th November, 1921, to which I have little to add. In spite of the fact that no definite agreement has as yet been come to with His Majesty's Government, the Makhzen are already raising objections to the issue of semsar certificates on various pretexts. In fact I may say that their attitude is one of persistent obstruction, all the more remarkable in view of their own action in the past. Mr. Selous informs me, for example, that when there were only three British semsars at Tetuan (in 1918), there were no less than 167 French semsars, or about the number that we have in the whole of Morocco. He was so informed by the French vice-consul himself.

5. I have so far been unable to find any treaty or agreement by which we have undertaken to consult the Makhzen before issuing semsar certificates, and, as I have pointed out above, the United States agency do not follow this practice. In view of the French attitude in the Tangier question, their deliberate ignoring of established practice and their cynical disregard of solemn engagements undertaken towards His Majesty's Government, it remains, I submit, to be considered whether we should continue to consult the Makhzen if we are not compelled by treaty or agreement to do so, and whether, moreover, we should abide by our offer to make what are undoubtedly concessions in regard to the issue of certificates to the brokers of non-resident British firms and to the clients, as opposed to the employees, of resident British merchants. In any case, I suggest that we should insist that certificates already issued be maintained until the death of the bearer or relinquishment by his principal or himself.

6. In view of the fact that this agency have only issued some 170 certificates for the whole of Morocco, in spite of the volume of our trade, and that every application is

subjected to the closest scrutiny, the Makhzen cannot claim that we abuse the system. On the other hand, I would deprecate concessions to the Protectorate Government at this moment in one of the very few fields in which we still have it in our power to make ourselves unpleasant to them.

7. I am causing enquiries to be made in regard to the issue of certificates by the French agency for Tangier, but I am not hopeful of any definite result.

I have, &c.
ARNOLD ROBERTSON.

[**W 7721/165/28**] No. 84.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received September* 15.)

(No. 343.)
My Lord, *Tangier, August* 30, 1922.

AN application was received early this year from the Compagnie franco-africaine (Limited) for the issue of a semsar certificate in favour of M. Amram Bohbot, a client of theirs at Casablanca. Investigations made by His Majesty's consul at Casablanca at first resulted in an unfavourable opinion being formed with regard to this application. Subsequently, a further letter, copy of which I have the honour to transmit herewith, was received from M. Benchaya, the local agent of the Compagnie franco-africaine, which induced Mr. Rabino to reconsider his previous opinion and report in favour of the grant of the necessary certificate.

2. I then asked the Resident-General whether the Makhzen had any objection to the issue of the certificate to M. Bohbot. In his reply, copy of which is enclosed, Marshal Lyautey objected to the grant of protection to this man on two grounds, namely, that the Compagnie franco-africaine had no office in the French zone and is therefore "non-resident," and, secondly, that M. Bohbot is only a client of the firm and is not engaged in export as well as import trade.

3. Your Lordship will observe that the Resident-General invokes two principles which are at present under discussion between His Majesty's Government and the French Government. If the issue of certificates in cases like these is to be deferred until the discussion in question has been terminated, it is certain that British trade will suffer. I therefore propose, subject to your Lordship's approval, to inform the Resident-General that His Majesty's Government are unable to accept the point of view expressed in his note, and that I intend to issue a certificate to this man. I should be grateful if your Lordship would inform me that I am authorised to adopt this course in this or any other cases in which the protectorate authorities base their refusal on points at present under discussion between the two Governments.

I have, &c.
ARNOLD ROBERTSON.

Enclosure 1 in No. 84.

M. Benchaya to Consul Rabino.

M. le Consul, *Casablanca, le* 27 *mars* 1922.

PAR une récente communication de la Compagnie franco-africaine (Limited) de Londres, que je représente, j'ai eu le regret d'apprendre que vous n'avez pas vu l'utilité d'accorder la protection britannique que je leur avais fait solliciter en faveur de notre client M. Amram Bohbot. Je viens donc, en confirmation de l'entretien verbal que vous m'avez fait l'honneur de m'accorder ce matin, vous exposer les raisons pour lesquelles nous souhaiterions vous voir modifier votre première impression.

La Compagnie franco-africaine (Limited), société anglaise travaillant à Casablanca par mon entremise depuis près de huit ans, compte avec des relations étendues sur notre marché, où elle fait un chiffre d'affaires considérable. Pour la campagne 1921–22 ce chiffre s'est élevé à plus de 12,000*l.*, malgré les conditions franchement adverses des affaires. Sur ce chiffre nous avons traité pour 7,000*l.* avec M. Bohbot. En sollicitant la protection britannique en faveur de celui-ci, nous avons voulu non seulement répondre à son désir et nous l'attacher ainsi d'une façon définitive comme client, mais aussi et surtout protéger les importants crédits que nous lui accordons, en le faisant ressortir d'une juridiction européenne.

M. Bohbot ne faisait que très peu d'achats directement en Angleterre, et ce n'est qu'en lui faisant entrevoir la possibilité de lui assurer la protection britannique que j'ai réussi à lui faire changer son système commercial en nous réservant ses ordres et sa confiance. Les résultats de nos relations avec lui sont tellement satisfaisants (7,000*l.* d'affaires entièrement réglées pendant le dernier semestre) que nous subirions certainement un grand préjudice si vous ne pouviez pas revenir sur l'opinion que vous avez premièrement émise, et qui est due à notre propre faute de ne vous avoir pas exposé au préalable l'importance de nos relations avec M. Bohbot et les motifs de notre demande.

Je viens donc combler cette lacune par le bref exposé qui précède et que je compléterai en ajoutant que M. Amram Bohbot jouit de la réputation la plus parfaite et de l'intégrité commerciale la plus pure. Vos propres moyens d'information ne manqueront point de vous en apporter la preuve.

Je me permets d'espérer, M. le Consul, que votre constant souci de la protection et du développement des intérêts britanniques à Casablanca nous vaudra un revirement favorable de votre première décision.

D'avance je vous en remercie au nom de mes représentants et au mien propre.

Veuillez croire, &c.
S. J. BENCHAYA.

Enclosure 2 in No. 84.

Marshal Lyautey to Mr. Robertson.

M. l'Agent diplomatique, *Rabat, le* 22 *mai* 1922.

ME référant à votre lettre du 11 avril dernier, j'ai l'honneur de vous faire savoir que, de l'enquête à laquelle il vient d'être procédé touchant la demande de protection anglaise formulée en faveur du nommé Amram Bohbot, de Casablanca, il résulte que la Compagnie franco-africaine n'a pas de comptoir en cette ville, mais seulement un représentant, le nommé Samuel Benchaya, et qu'Amram Bohbot n'est que son simple client pour des achats de thé exclusivement.

Dans ces conditions, le Maghzen regrette de ne pouvoir donner son consentement à l'octroi de la protection anglaise à Amram Bohbot, qui n'est qu'un simple acheteur des thés importés par la Compagnie franco-africaine.

Veuillez agréer, &c.
LYAUTEY.

[**W 8666/165/28**] No. 85.

Mr. Codrington to the Marquess Curzon of Kedleston.—(*Received October* 18.)

(No. 389.)
My Lord, *Tangier, October* 3, 1922.

I HAVE the honour to draw your Lordship's attention to the obstructive attitude taken up by the Spanish Protectorate authorities towards the proposed issue of a semsar's certificate to one Mr. Jaime Benolol, of Tetuan.

2. Early in May last His Majesty's vice-consul at Tetuan was instructed to enquire of the Spanish authorities whether there was any valid objection to Mr. Benolol being appointed a British semsar. The dilatoriness customary in all matters submitted to the Residency-General was displayed in this particular case in spite of frequent reminders. Subsequently Mr. Benolol submitted the usual documentary evidence of his commercial relations with Messrs. John Tuffnell and Co., of Manchester, to the Spanish authorities, who have now informed Mr. Fox-Strangways that they cannot accept the figures submitted. Mr. Fox-Strangways, on the contrary, reports that Mr. Benolol is, in his opinion, a suitable person to enjoy British protection.

3. In view of the deadlock which has been reached in this case, I would be grateful for your Lordship's instructions as to whether I may not be authorised to issue the certificate without further reference to the Spanish authorities.

I have, &c.
WILLIAM CODRINGTON.

[W 8742/165/28] No. 86.

Memorandum on Protection in Morocco.

ALTHOUGH provision was made in earlier treaties for the protection of certain classes in Morocco, the present system of protection rests on the Franco-Moorish Agreement of the 19th August, 1863 ("Règlement Béclard"), and the Madrid Convention of the 3rd July, 1880, article 10 of which confirms the 1863 agreement.

For practical purposes the classes of natives entitled to foreign protection may be divided as follows:—

1. Consular employees.
2. Political protégés.
3. Mokhalatas (or "associés agricoles").
4. Semsars.

1. *Consular Employees.*—Under articles 3, 4 and 5 of the Madrid Convention consular officers in Morocco may protect one interpreter, one soldier, two servants and, if required, one native secretary. These persons, as well as all members of their family living under the same roof, enjoy full foreign protection.

2. *Political Protégés.*—Article 16 of the Madrid Convention provides that protection may be granted by a foreign Power to a Moorish subject in recognition of signal services rendered or for other exceptional reasons. The nature of the services and the intention of rewarding them by protection must be previously notified to the Makhzen, in order that they may, if necessary, offer any observations, but the final decision rests with the foreign Government to whom the services have been rendered. The number of these protected persons shall not exceed twelve, unless the Sultan's consent has been obtained.

The following are the nine Moorish subjects who at present enjoy British protection under article 16 of the Madrid Convention:—

El-Fkih Cid-el-Hadj-el-Mehedi-el-Menebhi	Tangier.
Mulai Said-ben-Mulai-el-Hadj-el-Meslohi	Tamsloht.
Mulai Ahmed-ben-Mulai-el-Hadj-el-Meslohi	,,
Sid Mohammed-ben-Mulai-el-Hadj-el-Meslohi... ...	,,
Ahmed-ed-Doukkali	Fez.
Ahmed-el-Kasri	,,
El-Mekki-bel Hadj-el-Madani Benzahar	,,
Omar-bel-Hadj-el-Hassen-el-Hadjoni	,,
El-Arbi-bel-Hadj-el-Hassen-el-Hadjoni	,,

3. *Mokhalatas (or "associés agricoles").*—The treaty basis of the mokhalat system is not very precise. It rests on article 9 of the Madrid Convention, which provides that—

> "Servants, farmers ('fermiers') and other native employees of native secretaries and interpreters do not enjoy protection. It is the same for Moroccan employees or servants of foreign subjects.
>
> "Nevertheless, the local authorities may not arrest an employee or servant of a native functionary in the employ of a Legation or consulate, or in the employ of a foreign subject or protected person, without having given previous notice to the protecting authority."

In 1901 the question of mokhalatas was raised by the Makhzen, who contended that no merchant was entitled to a mokhalat, this category being limited to "servants and workmen" engaged in certain specified employments, such as agriculture or domestic service. After discussion by the Diplomatic Body (including the French Minister), it was unanimously agreed that the contention of the Makhzen should not be admitted, and Sir A. Nicolson, as doyen, informed the Shereefian Government accordingly. (Sir A. Nicolson, No. 21 of the 26th February, 1901.)

Although a mokhalat does not enjoy personal protection, he may not be arrested without previous notice to the protecting Power. This provision was made to relieve the employer from the inconvenience arising from the sudden disappearance of his employee. In the French zone the amount of notice required has been fixed by the protectorate authorities themselves at fifteen days. Moreover, if a mokhalat is arrested, the goods of his foreign employer are considered as protected, and may not be confiscated. The number of British mokhalat certificates issued in 1922 was 554.

4. *Semsars.*—Under the terms of the Franco-Moorish Agreement of 1863, confirmed by article 10 of the Madrid Convention, protection may be granted under certain conditions to the native agents or brokers of foreign merchants. Partly owing to the rather indefinite wording of the agreement and to the loss of the original text, and partly because certain practices, which were not strictly in conformity with the treaties, were adopted by the Powers and confirmed by usage, the conditions of the grant of semsar certificates have long been the subject of dispute.

Alleged Abuses of Semsar System.

In December 1921 the French Government urged the desirability of a stricter application of the treaties, and they contended that there was no legal justification for the grant of semsar certificates to—

1. The clients, as opposed to the agents, of foreign merchants.
2. The agents of firms not engaged in both import and export trade.
3. More than one agent of a foreign firm.
4. Agents of non-resident firms.

His Majesty's Government, in reply, maintained their right to continue the existing practice as regards points 2 and 3.

As regards points 1 and 4, His Majesty's Government declared their readiness to meet the wishes of the French Government, provided that the other Governments exercising the right of protection in the French and Tangier zones declared themselves similarly disposed. (To Lord Hardinge, No. 15 of the 16th January, 1922.)

Rights of the Makhzen.

The right of the Makhzen to interfere in the grant of semsar certificates has also been a long-standing subject of controversy. In 1901 the Sultan's representative at Tangier claimed that the Makhzen was entitled to determine which merchants or others had a right to semsars. Sir A. Nicolson and all his colleagues took the view that to admit this claim would be a departure from invariable custom. The French and Portuguese Ministers were accordingly requested to draw up a draft, upon which each foreign representative would base a communication to the Naïb. Sir A. Nicolson in his note (based on the French draft) says:—

> "In regard to the employees of consulates and the semsars of merchants, article 8 of the Convention of Madrid says that the lists shall be transmitted to the Minister for Foreign Affairs, in order that, if they are not in conformity with the regulations, the representatives at Tangier may be so informed. There is no doubt as to this, but it must be clearly understood that the lists have not to await the ratification of the Moorish Government, and that they come into effect from the day they have been transmitted, as was recognised in protocol No. 4 of the Conference of Madrid, and as was agreed to by the late Si Mohammed Bargash, who signed the protocol. I quite admit that when your Excellency has received the lists you have a perfect right to draw my attention to any protections which may appear to you to be irregular, but until we have together come to an understanding on such protections, the Moorish Government is responsible should any harm or injury occur to those who are inscribed on the lists."

It would appear therefore *primâ facie* that the consent of the Makhzen is not necessary for the issue of a semsar certificate.

On the other hand, article 16 of the Madrid Convention of 1880 provides that—

> "Aucune protection irrégulière ni officieuse ne pourra être accordée à l'avenir. Les autorités marocaines ne reconnaîtront jamais d'autres protections, quelle que soit leur nature, que celles qui sont expressément arrêtées dans cette convention."

It is not definitely stated who is to decide whether or not the grant of protection in a specific case is in accordance with the provisions of the convention. But in any event the Powers have always taken the view that in the last resort the protecting Power is the sole judge as to whether or not a native fulfils the conditions required by the Madrid Convention for the grant of a semsar certificate. The United States Government share this view to-day, and frequently issue a semsar certificate over the heads of the French protectorate authorities.

Degree of Protection accorded to Semsars.

A semsar enjoys personal protection so long as he is in possession of a semsar certificate, which may, however, be withdrawn at any moment on account of misconduct, or because the volume of his employer's trade no longer justifies the retention of a semsar, or for any other reason.

Minimum Volume of Trade required.

The volume of trade laid down by the Diplomatic Corps after the Madrid Convention as being the minimum justifying the appointment of one semsar for a firm was " 10,000 douros d'affaires annuelles et 1,000 douros de droits de douane."

Procedure for Obtaining a Semsar Certificate.

The procedure for obtaining a semsar certificate is as follows: A British merchant domiciled in Morocco applies in the first instance to the local British consular officer. In the case of a British firm in the United Kingdom, application is made to His Majesty's agent and consul-general at Tangier. The application must contain full particulars regarding the nature and extent of business done by the firm, as well as information concerning the Moorish subjects for whom protection is sought. This application is then forwarded to the consul in whose district the man resides for enquiry and report. If the latter is satisfactory the agency notifies the Makhzen and allows a certain time to elapse before definitely granting the certificate, in order to ascertain whether there are any valid objections on the part of the Shereefian Government. The certificate is issued on payment of a fee of 1*l.*, and is renewable every year.

The following is the form of the certificate issued :—

SEMSAR CERTIFICATE.

(Not available after December 31, 19 .)

No.....

The bearer.....

is semsar at.....

of the British subject.....

of.....

Tangier,.....

Number of British Semsars.

The number of semsar certificates issued by Great Britain in 1922 was about 170.

The following countries exercise the right of protection in the various zones of Morocco :—

French Zone.—Great Britain, United States.
Tangier Zone.—Belgium, France, Italy, Netherlands, Portugal, Spain, United States, Great Britain.
Spanish Zone.—Great Britain, Netherlands, United States.

Foreign Office, October 21, 1921.

[**W 7604/165/28**] No. 87.

The Marquess Curzon of Kedleston to Lord Hardinge (*Paris*).

(No. 3374.)

My Lord, *Foreign Office, November* 10, 1922.

WITH reference to Sir Milne Cheetham's despatch No. 1721 of the 23rd July last I transmit to your Lordship herewith, for communication to the French Government, a copy of a memorandum which has been prepared in this Department setting forth the views of His Majesty's Government on the points raised in M. Poincare's note of the 22nd July last regarding the grant of British protection in Morocco.

I am, &c.

CURZON OF KEDLESTON.

Enclosure in No. 87.

Memorandum respecting British Protection in Morocco.

HIS Majesty's Government have given careful consideration to the views of the French Government as expressed in the memorandum enclosed in M. Poincaré's note of the 22nd July last, on the subject of the grant of British protection in Morocco. They are sincerely anxious to arrive at an early and satisfactory settlement of the question, and it is in this spirit that they offer the following observations on the various points raised in the French memorandum :—

2. The right to grant semsar certificates to persons not actually employed by foreign merchants has always in the past been upheld by the Powers, and His Majesty's Government hold that they would be fully justified in continuing to maintain it. Nevertheless, since the French Government now take the view that the practice constitutes an abuse of the system of protection, His Majesty's Government are ready to abandon it, provided that the principle is made applicable throughout Morocco and that the Powers concerned agree to do likewise. This condition is not obstructive in design, but is intended to ensure that British trade shall not be placed at a disadvantage owing to divergence of practice by the Powers in the various zones of Morocco, for it is clear that if His Majesty's Government, in compliance with the French request, give up their right to protect the clients of British merchants in the French zone, they can logically be required to do the same in the Tangier and Spanish zones. The French Government state that in the French zone, where alone Great Britain and the United States exercise the right of protection, the question would not arise were it not connected with that of the Tangier and Spanish zones. His Majesty's Government venture to point out that the attitude adopted by the United States Government in the French zone is clearly of the highest importance to British interests, and must influence the view which they take of the matter. As regards the Tangier zone, His Majesty's Government note with satisfaction that the Sultan's representative at Tangier has been instructed that the regulations governing protection are in future to be strictly enforced. They fear, however, that this step will not be sufficient to ensure that an end will be put to irregularities in the grant of French protection at Tangier, and they would welcome an assurance that categorical instructions have been sent to the French representative at Tangier that French protection is to be limited to the *bonâ fide* employees of French firms doing an important trade in the Tangier zone. It is for the French Government in the first instance to make it clear that they are willing to apply to their own grants of protection in the Tangier zone those principles which they desire to see applied in the French zone. So long as no other Power, including the United States, is willing to conform to these principles throughout Morocco, His Majesty's Government see no reason why they should take the initiative.

3. The French Government maintain their view that no foreign firm is entitled as of right to two semsars, and point out in support of this contention that it is the practice of His Majesty's Government, when a British firm desires a second semsar, to notify the Makhzen of the fact that the firm in question already holds one semsar. They argue that this practice constitutes an implicit recognition of the right of the Makhzen to refuse a second semsar. His Majesty's Government regret that they are unable to accept this view. In the first place, there is no doubt that the customary notification to the Makhzen is not obligatory, but is merely an act of courtesy intended to show that the firm in question is in principle entitled to have semsars. In the second place, although His Majesty's Government have in practice abstained hitherto from issuing semsar certificates in cases where the Makhzen have raised objections, it should be borne in mind that they do not regard themselves as obliged to obtain the previous consent of the Makhzen before issuing a certificate. As His Majesty's Government do not recognise the right of the Makhzen to decide in the final instance whether or not protection shall be granted, the French contention falls to the ground.

4. His Majesty's Government abide by their offer to agree that no fresh semsar certificate shall be issued to British non-resident firms after a given date, provided that the other Powers concerned are willing to adopt a similar procedure in regard to their nationals. So long, however, as the United States Government in the French zone and other Governments in the Spanish and Tangier zones are unwilling to conform, His Majesty's Government, for the reasons stated in paragraph 3, do not consider that they can reasonably be expected to be the first to abandon a right which is of the greatest importance to British trade, and one which they have vigorously upheld for forty years and more.

5. From the earliest days, His Majesty's Government have consistently opposed abuses of the system of protection, and have urged that every effort consistent with the interests of their nationals should be made by the Powers to meet the wishes of the Makhzen in this respect. There is ample evidence that the attitude of His Majesty's Government remains the same to-day. Not only is the number of British semsar certificates extremely small in relation to the volume of trade (about 170 for all Morocco as compared with 167 French semsar certificates in 1918 for Tetuan alone), but His Majesty's Government have made it a practice not to issue a semsar certificate without the previous consent of the Makhzen. They believe that this procedure is followed by no other foreign Government in Morocco.

6. The grant of protection is not dependent upon the consent of the Makhzen. On the contrary, whenever the Makhzen in the past have put forward such claims, the Powers have energetically resisted them. Thus, in 1901, when the Sultan's representative at Tangier claimed that he was entitled to determine which merchants or others had a right to semsars, the Diplomatic Body unanimously refused to entertain the claim, and requested the French Minister and the Portuguese Chargé d'Affaires to to draw up a note, upon which each foreign representative should base a communication to the Naib. The British Minister, in his note based on the French-Portuguese draft, stated :—

> "In regard to the employees of consulates and the semsars of merchants, article 8 of the Convention of Madrid says that the lists shall be transmitted to the Minister for Foreign Affairs, in order that, if they are not in conformity with the regulations, the representatives at Tangier may be so informed. There is no doubt as to this, but it must be clearly understood that the lists have not to await the ratification of the Moorish Government, and that they come into effect from the day they have been transmitted, as was recognised in Protocol No. 4 of the Conference of Madrid, and as was agreed to by the late Si Mohammed Bargash, who signed the protocol. I quite admit that when your Excellency has received the lists you have a perfect right to draw my attention to any protections which may appear to you to be irregular, but, until we have together come to an understanding on such protections, the Moorish Government is responsible should any harm or injury occur to those who are inscribed on the lists."

7. His Majesty's Government understand that the Makhzen are at present raising objections to the issue of semsar certificates in a number of cases submitted by His Majesty's agent at Tangier, and notably in that of Mr. Amram Bohbot, who is a client and not an employee of a British firm with no establishment in Morocco. His Majesty's Government would be exceedingly reluctant to exercise their undoubted right to issue certificates without the previous concurrence of the Makhzen ; but they expect that the latter will, on their part, abstain from taking advantage of this fact to refuse certificates in cases where the principle involved is still the subject of discussion. His Majesty's Government trust therefore that instructions will be sent forthwith to Marshal Lyautey that, pending a satisfactory adjustment of the points at issue, the concurrence of the Makhzen in the grant of protection to Mr. Amram Bohbot and others in a similar position should at once be given.

Foreign Office, November 10, 1922.

[**W 8666/165/28**] No. 88.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 524.)

Sir, *Foreign Office, November* 10, 1922.

I HAVE received Mr. Codrington's despatch No. 389 of the 3rd ultimo regarding the obstructive attitude adopted by the Spanish protectorate authorities in the matter of the proposed issue of a semsar certificate to M. Jaime Benolol of Tetuan.

2. The views of His Majesty's Government regarding the position and rights of the Makhzen in relation to the issue of semsar certificates to Moorish natives are fully set forth in my despatch No. 525 of to-day's date. The reasons advanced therein against issuing a semsar certificate over the head of the Makhzen in the French zone do not apply with equal force to the Spanish zone, where His Majesty's Government are in a much stronger position. Nevertheless, before taking the action suggested by

Mr. Codrington, I think it would be well to endeavour to prove to the Spanish authorities that the figures submitted by Mr. Fox-Strangways are correct and to invite them to show that they are not. If, in spite of all efforts to arrive at an amicable agreement, the Spanish authorities continue to be obdurate, I authorise you to issue a certificate to M. Benolol without further reference to them, always provided that you are fully satisfied that he fulfils the conditions for semsarship laid down in the Madrid Convention.

3. In the meantime, you may inform the Spanish protectorate authorities that, in accordance with the usual practice, pending discussion of the case by the two Governments, His Majesty's Government regard M. Benolol as a protected person from the date on which his name was first put forward.

I am, &c.
CURZON OF KEDLESTON.

[**W 7604/165/28**] No. 89.

The Marquess Curzon of Kedleston to Mr. Robertson (Tangier).

(No. 525.)

Sir, *Foreign Office, November* 10, 1922.

I HAVE given careful consideration to the suggestion put forward in your despatches Nos. 326 and 343 of the 12th and 30th August last that, in view of the obstructive attitude of the French protectorate authorities in the matter of protection, His Majesty's Government should abandon the practice of consulting the Makhzen before issuing semsar certificates, and that in cases where the Makhzen have already refused their consent, certificates should be granted at once without further discussion or delay.

2. As you will observe from the enclosed copy of a despatch to His Majesty's Ambassador at Paris,* His Majesty's Government have always taken the view that they are in no way bound to obtain the approval of the Makhzen before issuing a semsar certificate. The same opinion was expressed by all the Powers as recently as 1901, when they unanimously rejected a claim by the Makhzen to be entitled to determine to whom semsar certificates might or might not be granted. Nevertheless, the question is not entirely free from doubt, for article 16 of the Madrid Convention provides that :—

> "Aucune protection irrégulière ni officieuse ne pourra être accordée à l'avenir. Les autorités marocaines ne reconnaîtront jamais d'autres protections, quelle que soit leur nature, que celles qui sont expressément arrêtées dans cette convention."

It is not definitely stated in the convention who is to decide whether or not the grant of protection in a specific case is in accordance with the provisions of the convention, but His Majesty's Government hold that this duty devolves on the Power granting protection. There appears, however, little doubt that if His Majesty s Government were to issue a certificate over the head of the Makhzen they would refuse to recognise the protection so granted and would invoke article 16 in support of their action, with some show of reason, at all events in those cases where His Majesty's Government admit that the right of protection is not derived from the Madrid Convention, but rests on usage and custom. Moreover, I fear that the holder of a disputed certificate and his employer would gain no advantage, and the inability of His Majesty's Government to enforce their will in the French zone would be shown up in a painfully clear light.

3. Although I am fully aware of the danger of appearing to give way to the pressure of the French protectorate authorities, I hesitate to have recourse at this stage to the risky experiment of taking drastic action, which would probably be of no benefit to British trade and might well result in the open discomfiture of His Majesty's Government. In the circumstances, I have reluctantly come to the conclusion that for the present the best course is to continue to endeavour to obtain by negotiation the consent of the Makhzen in each case where it is desired to issue a semsar certificate.

I am, &c.
CURZON OF KEDLESTON.

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* See No. 87.

(c.) Capitulations.

[W 6379/197/28] No. 90.

Sir M. Cheetham to the Earl of Balfour.—(*Received July* 31.)

(No. 1775.)

My Lord, *Paris, July* 29, 1922.

I HAVE the honour to transmit herewith copy of a note from M. Poincaré, enclosing a memorandum on the subject of British and French capitulatory rights in Morocco and Egypt respectively, in reply to the memorandum forwarded to me in your despatch No. 1896 of the 22nd June last for communication to the French Government.

The French answer contests point by point the considerations advanced by His Majesty's Government, and there is no indication in the language employed that M. Poincaré is in any way disposed to modify the views on this question expressed in his note of the 30th May last.

I have, &c.
MILNE CHEETHAM.

Enclosure 1 in No. 90.

M. Poincaré to Sir M. Cheetham.

Ministère des Affaires étrangères, Paris, le 28 juillet 1922.

M. le Chargé d'Affaires,

PAR votre lettre du 23 juin dernier, vous avez bien voulu me transmettre un mémorandum du Gouvernement de Sa Majesté britannique relatif à l'abolition des Capitulations anglaises et françaises en Égypte et au Maroc.

J'ai l'honneur de vous faire parvenir ci-inclus un mémorandum contenant la manière de voir du Gouvernement de la République sur ce sujet, ainsi que sur l'application des accords de 1904.

Agréez, &c.
POINCARÉ.

Enclosure 2 in No. 90.

Réponse au Mémorandum du Gouvernement britannique.

LE Gouvernement de la République a l'honneur de répondre ci-après, point par point, aux considérations exposées dans le mémorandum transmis le 23 juin 1922 par l'Ambassade britannique à Paris.

2. Aux termes de ce document, l'adhésion du Gouvernement britannique à l'Accord franco-allemand du 4 novembre 1911 n'entraînerait pas acceptation des tribunaux français du protectorat marocain. Pour lui, en effet, l'article 9 de cet accord se borne à prévoir un mode de règlement des réclamations des étrangers contre les autorités marocaines en attendant l'établissement d'un régime judiciaire destiné à remplacer, après entente avec les Puissances, les tribunaux consulaires. Tant que cette entente ne sera pas intervenue, les juridictions consulaires restent compétentes.

Le Ministère des Affaires étrangères ne peut se rallier à cette manière de voir. Pour lui, aux termes de l'article 1er de l'accord du 4 novembre 1911, aucune entrave ne peut être mise "à l'action de la France en vue de prêter son assistance au Gouvernement marocain pour l'introduction de toutes les réformes administratives, judiciaires, économiques, financières . . . ." Ce texte suffit pour donner au Gouvernement français le droit de réorganiser la justice au Maroc tant au regard des étrangers qu'au regard des indigènes. L'expérience montre, en effet, qu'aucune réforme administrative, économique, financière . . . . n'est possible sans l'attribution au protecteur des pouvoirs judiciaires nécessaires pour sanctionner les réformes qu'il introduit en vertu de ses prérogatives législatives. Ainsi, c'est l'article 1er, non l'article 9, de l'accord de 1911, qui entraîne la suppression des juridictions consulaires. L'article 9, au lieu d'édicter cette suppression, n'envisage que les mesures de transition à prendre tant que cette réforme n'est pas effectuée. Quant à l' "entente" prévue par le texte, elle n'a manifestement d'autre objet que de constater la conformité du régime judiciaire nouveau avec les "règles générales de législation des Puissances intéressées" et aussi de fixer la date de fermeture des tribunaux consulaires. Dès l'instant que la conformité requise par le texte n'est pas contestée, l' "entente" ne peut pas être refusée. Le régime judiciaire français, accepté par toutes les autres Puissances européennes, a fonctionné depuis huit ans à la satisfaction de tous et on ne pense pas que le Gouvernement britannique songe à prétendre qu'il n'est pas conforme aux principes posés au paragraphe 2 de l'article 9 de la convention de 1911.

Il est exact que, malgré tous les efforts du Gouvernement de la République, le Gouvernement allemand n'a pas, en même temps que les autres Puissances, reconnu les tribunaux français au Maroc; mais on croit devoir rappeler ici que l'allié le plus fidèle de l'Allemagne, l'Autriche-Hongrie, a, le 15 juillet 1914, reconnu "après examen" les tribunaux français du Maroc. Le Gouvernement de la République a quelque regret à constater que la Grande-Bretagne invoque l'exemple de l'Allemagne pour ne pas fermer ses tribunaux consulaires au Maroc, alors que nous étions fondés à croire que ce serait d'elle que viendrait l'exemple donné aux autres Puissances.

3. Le Gouvernement britannique estime que l'article 9 de l'Accord franco-allemand du 4 novembre 1911 n'a pu modifier, en ce qui concerne pour elle les conditions de la suppression des Capitulations au Maroc, le droit qu'elle tenait du paragraphe 2 de l'article 2 du Traité secret franco-anglais du 8 avril 1904.

Le Ministère des Affaires étrangères ne saurait davantage se rallier à cette manière de voir. En effet, si, aux termes du traité du 8 avril 1904, l'action du Gouvernement français au Maroc devait être subordonnée à l'action du Gouvernement britannique en Égypte, il suffirait que le Gouvernement britannique n'exerçât pas en Égypte les droits qu'il s'est réservés pour que le Gouvernement français se trouvât mis dans l'impossibilité d'exercer au Maroc les droits prévus en sa faveur. Au surplus, le Gouvernement de la République a pris par l'article 2, paragraphe 2, du traité secret l'engagement de "ne pas refuser d'examiner les propositions de réformes" judiciaires qui lui seraient soumises en ce qui concerne l'Égypte, "à la condition que le Gouvernement britannique accepterait d'examiner les suggestions que le Gouvernement de la République française pourrait avoir à lui adresser pour introduire au Maroc des réformes du même genre." Jusqu'à présent, non seulement le Gouvernement français n'a pas refusé d'examiner les propositions qui lui ont été faites en ce qui concerne l'Égypte, mais il a donné suite aux mesures qui lui ont été présentées touchant les conditions de prorogation des pouvoirs des tribunaux mixtes. Il est, dès lors, fondé à attendre du Gouvernement britannique qu'il ne refuse pas d'examiner nos propositions de réformes judiciaires au Maroc dont l'application aux sujets britanniques ne peut être écartée dès l'instant que la valeur n'en est pas contestée. La bonne volonté que nous avons témoignée en Égypte nous donne le droit d'escompter une égale bonne volonté au Maroc. Il ne dépend pas de nous, au surplus, que la réforme judiciaire déjà accomplie au Maroc soit seulement en voie de préparation en Égypte.

L'interprétation du Gouvernement de la République est pour lui celle qui se dégage tant des termes que de l'esprit de l'accord de 1904. Elle est, en outre, celle qu'imposent les termes exprès de l'accord de 1911: on ne peut admettre, en effet, que le Gouvernement britannique se prévale de l'accord de 1904 pour s'opposer à la mise en vigueur de la convention de 1911, qui a précisément pour but de lever les obstacles apportés par l'Acte de Algésiras de 1906 à la réalisation de la politique prévue par l'accord de 1904. A supposer—ce qui n'est pas—qu'il y eût divergence entre les textes de 1904 et de 1911, c'est le texte le plus favorable à la Puissance protectrice, et, en tous cas, le dernier en date, qui devrait l'emporter.

Les négociations entamées depuis l'armistice—et qui s'étendaient d'ailleurs à d'autres questions qu'à celle de la suppression des juridictions consulaires—ne sauraient être interprétées d'une manière contraire aux principes qui viennent d'être rappelés et que les représentants français ont toujours affirmés tant à Londres qu'à Paris.

4. Le Gouvernement de la République n'a aucune objection à reconnaître que l'adhésion du Gouvernement britannique à l'accord du 4 novembre 1911 a été faite sous réserve du règlement de la question de Tanger. Il se plaît à espérer que cette question sera prochainement examinée, et il a déjà fait connaître sa manière de voir à ce sujet à l'Ambassade de Sa Majesté à Paris.

5. Le Gouvernement de la République répond ci-après aux points visés par le mémorandum.

6 et 7. On se réfère à ce sujet au paragraphe 4.

8. La question de l'extension au Maroc des dispositions de la loi française sur la nationalité fera l'objet d'une communication séparée.

9. Le Gouvernement de la République ne peut que se référer à sa lettre du 30 mai dernier. Il résulte des considérations exposées ci-dessus que si le Gouvernement de Sa Majesté britannique a reconnu le Traité de Protectorat de la France au Maroc, il n'en a pas admis les conséquences, et les ressortissants britanniques de la zone française sont les seuls Européens à y jouir d'un régime exceptionnel. Le Gouvernement de la République ne veut pas douter qu'il soit promptement mis fin à cette situation et qu'il soit donné suite sans tarder aux accords de 1904 et aux textes que ces accords étaient destinés à rendre possibles.

Il est, en ce qui le concerne, tout disposé, dans l'esprit des accords de 1904, à rechercher les moyens de donner satisfaction aux intérêts britanniques en Égypte et dans la zone du Canal de Suez avec une bonne volonté égale à celle qu'il attend du Gouvernement de Sa Majesté tant dans la zone française du Maroc que dans l'examen des droits et intérêts du Sultan, protégé de la France, sur la rive méridionale du détroit de Gibraltar. Il a le plus grand plaisir à prendre acte des assurances que donne à ce sujet *in fine* le mémorandum du 23 juin dernier.

[**W 6379/197/28**] No. 91.

The Marquess Curzon of Kedleston to Sir M. Cheetham (Paris).

(No. 2500.)

Sir, *Foreign Office, August* 10, 1922.

WITH reference to your despatch No. 1775 of the 29th ultimo, I transmit herewith, for communication to the French Government, a memorandum in reply to the French memorandum of the 28th ultimo on the subject of British and French capitulatory rights in Morocco and Egypt respectively.

2. The uncompromising attitude of the French Government in all recent questions relating to Morocco, such as the Tangier harbour works, the nationality decree, and the grant of British protection, has aroused such uneasiness and alarm in British commercial circles that it is impossible for His Majesty's Government at present even to discuss the surrender of their extra-territorial rights in Morocco. If a suitable opportunity occurs, and if you think it would be useful, I see no objection to your informing M. Poincaré accordingly.

I am, &c.
CURZON OF KEDLESTON.

Enclosure in No. 91.

Memorandum.

HIS Majesty's Government have given most careful consideration to the memorandum enclosed in M. Poincaré's note of the 28th ultimo on the subject of British and French capitulatory rights in Morocco and Egypt respectively.

2. His Majesty's Government are entirely unable to accept the contentions advanced in the French memorandum, which do not appear to them to meet in any way the arguments put forward in the British memorandum of the 23rd June last. They are glad, however, to note that the dominating fact of the situation is not called in question. This fact is that the accession of His Majesty's Government to the Franco-German Convention of 1911 and their recognition in 1914 of the French protectorate over Morocco were conditional on the town and district of Tangier being placed under international control. While this condition remains unfulfilled His Majesty's Government regret that they cannot contemplate the surrender of any of their capitulatory rights in Morocco.

3. In these circumstances it would serve no useful purpose to reply in detail, point by point, to the French memorandum. There is only one observation which His Majesty's Government desire to make. It is stated in the French memorandum that

the object of the Franco-German Convention of 1911 was to remove the restrictions imposed by the Act of Algeciras; that there is no divergence between the Anglo-French Declaration of 1904 and the Franco-German Convention of 1911; and that this view has always been expressed by the French representatives at the negotiations for the conclusion of an Egypt-Morocco convention. The French Government have presumably forgotten that in an official memorandum, dated the 26th October, 1916, setting forth the lines which the negotiations for the reciprocal surrender of capitulatory rights in Egypt and Morocco should follow, the French Ambassador in London stated as follows:—

> "En ce qui concerne le Maroc, la situation de la Grande-Bretagne dans l'Empire chérifien est basée sur trois textes: (1) La Déclaration franco-britannique du 8 avril 1904; (2) l'adhésion de la Grande-Bretagne à l'Acte d'Algésiras; et (3) l'adhésion de la Grande-Bretagne au Traité franco-allemand du 4 novembre 1911, sous la réserve de la conclusion d'un accord relatif à Tanger.
>
> "Mais ces trois accords sont essentiellement différents: par le premier, la Grande-Bretagne reconnaissait à la France au Maroc des droits qui ont été restreints par les deux autres. C'est sur l'initiative de l'Allemagne que des stipulations destinées à amoindrir la situation de la France au Maroc ont été introduites dans l'Acte d'Algésiras et le Traité franco-allemand du 4 novembre 1911. . . . . .
>
> "Il serait donc équitable, au moment de réaliser au Maroc et en Égypte les réformes prévues par l'article 2 (secret) de la Déclaration du 8 avril 1904, de revenir à la situation prévue par cette déclaration. Les négociations, en ce qui concerne le Maroc, ne seraient pas limitées à la suppression des Capitulations dans l'Empire chérifien; elles auraient pour dessein de supprimer les entraves apportées à l'action de la France par l'Acte d'Algésiras et par le Traité franco-allemand du 4 novembre 1911."

At the first meeting of the negotiators, M. de Fleuriau called attention to the above-mentioned French memorandum, and emphasised the desire of the French Government to revert to the position created by the Anglo-French Declaration of 1904. It seems neither consistent nor logical now to base a demand for the abolition of British capitulatory rights in Morocco upon the Franco-German Convention of 1911.

Foreign Office, August 10, 1922.

[**W 8800/197/28**] No. 92.

Lord Hardinge to the Marquess Curzon of Kedleston.—(Received October 24.)

(No. 2480.)

My Lord, *Paris, October* 23, 1922.

I HAVE the honour to transmit to you herewith copy of the reply which I have received from M. Poincaré to the memorandum on the subject of British and French capitulatory rights in Morocco and Egypt respectively, which, as Sir Milne Cheetham informed your Lordship in his despatch No. 1901 of the 12th August, was communicated on that date to the French Government.

Your Lordship will observe that the French Government maintain, with their usual obstinacy, the position taken up in their note of the 28th July. I am, however, somewhat surprised to find that the last paragraph of the enclosed communication raises the question of the settlement of the status of Tangier and points out that it is for His Majesty's Government to summon a meeting in London of the representatives of the three Governments concerned. I had hitherto supposed that the French Government were in no hurry to see this meeting convened and would do nothing themselves to accelerate it.

I have, &c.
HARDINGE OF PENSHURST.

Enclosure in No. 92.

Memorandum on British and French Capitulatory Rights in Morocco and Egypt.

LE 12 août dernier, l'Ambassade de Sa Majesté britannique à Paris a bien voulu communiquer au Président du Conseil, Ministre des Affaires étrangères, un mémorandum relatif aux droits capitulaires des Anglais et des Français au Maroc et en Égypte.

Aux termes de ce mémorandum, le Gouvernement britannique, tout en contestant les conclusions de la note française du 28 juillet relative au même sujet, déclarait constater avec satisfaction que l'accession du Gouvernement britannique à la Convention franco-allemande de 1911 et la reconnaissance en 1914 du protectorat français au Maroc étaient, pour le Gouvernement français, soumises à la condition que la ville et la région de Tanger fussent placées sous un " contrôle international " de telle manière que, jusqu'à l'accomplissement de cette condition, le Gouvernement de Sa Majesté n'aurait pas à envisager l'extinction d'aucun de ses droits capitulaires au Maroc.

Pour éviter à cet égard tout malentendu, le Ministère des Affaires étrangères croit devoir rappeler les termes de l'adhésion donnée en 1911 par le principal Secrétaire d'État pour les Affaires étrangères à l'Accord franco-allemand de 1911.

Le 4 novembre 1911, Sir E. Grey écrivait à M. Daeschner :

> " En vue de la liberté d'action concédée maintenant à la France par la nouvelle Convention franco-allemande, le Gouvernement de Sa Majesté saisit cette occasion de rappeler au Gouvernement français l'importance qu'ils attachent tous deux à la préservation du caractère exceptionnel que tire la ville de Tanger de la présence du Corps diplomatique et de ses institutions municipales et sanitaires. Le Gouvernement de Sa Majesté est convaincu que le Gouvernement français sera d'accord pour concourir à la conclusion d'arrangements destinés à placer définitivement la ville et le district municipal de Tanger sous leur contrôle international.
>
> " Sous la réserve des observations ci-dessus, et dans la conviction qu'elles sont en harmonie avec les vues et les intentions du Gouvernement français, le Gouvernement de Sa Majesté a grand plaisir à donner son adhésion à la Convention franco-allemande."

Le Gouvernement français n'a jamais entendu contester que son protectorat au Maroc fût limité par la réserve qui précède. Si cette réserve interdit à l'administration de la zone française de l'Empire chérifien d'englober Tanger, elle ne retarde pas jusqu'à la conclusion de l'arrangement relatif à Tanger l'effet de l'assentiment que le Gouvernement royal a donné à l'accord de 1911. En termes juridiques, la réserve faite par Sir E. Grey en 1911 n'est pas une condition, mais une charge de l'adhésion britannique à la Convention franco-allemande de 1911, et par suite au Traité de Protectorat du 30 mars 1912 : à la différence de la condition, la charge ne produit pas d'effet suspensif.

Le Foreign Office croit devoir contester les conclusions du mémorandum français du 28 juillet en relevant que, dans un mémorandum officiel du 26 octobre 1916, " le Gouvernement français avait lui-même déclaré que les trois accords du 8 avril 1904, du 6 avril 1906 et du 4 novembre 1911, étaient essentiellement différents, parce que par le premier, la Grande-Bretagne reconnaissait à la France au Maroc des droits qui ont été restreints par les deux autres." Le Ministère des Affaires étrangères ne saurait trouver une opposition entre son point de vue d'alors et son point de vue actuel. Si les traités de 1906 et de 1911 ont, en effet, restreint au regard de la France, les conséquences de l'Accord franco-britannique de 1904, il n'en est pas moins vrai que, par l'accord du 4 novembre 1911, la France, écartant les principaux obstacles élevés contre son action au Maroc par l'Act d'Algésiras, rentrait, tout au moins dans une certaine mesure, dans la voie tracée par l'accord de 1904. Ce que le Ministère des Affaires étrangères entendait dire et a effectivement dit dans sa note du 28 juillet, c'est que la Grande-Bretagne, liée par l'accord de 1904, ne pouvait refuser son adhésion à la convention du 4 novembre 1911, qui, si elle ne ramenait pas la France aux termes de l'accord de 1904 en levant toutes les entraves mises à son action par l'Act d'Algésiras, ne la rapprochait pas moins dans une notable mesure des perspectives ouvertes par l'accord de 1904. L'écart marqué par le Gouvernement britannique entre la convention de 1911 et l'accord 1904 ne saurait être relevé pour démontrer que la Grande-Bretagne aurait le droit de refuser à la France la suppression de la juridiction consulaire et, d'une façon générale, l'extinction des Capitulations que les autres Gouvernements devaient successivement consentir à la suite de la convention de 1911, mais auxquels s'oppose encore

la Puissance qui, par l'accord de 1904, avait, suivant sa propre constatation, promis davantage. En mettant en lumière que, dans l'accord de 1904, il y a plus, au profit de la France, que dans l'accord de 1911, le Foreign Office ne peut que fortifier le point de vue français.

Après un examen attentif des considérations émises dans le mémoire du Foreign Office en date du 10 août dernier, le Ministère des Affaires étrangères se voit, dès lors, obligé de maintenir le point de vue qu'il avait eu l'honneur de développer le 28 juillet dernier.

Il rappelle, au surplus, qu'aux termes de l'entente intervenue à ce sujet, c'est au Gouvernement britannique qu'il appartient de provoquer à Londres la réunion des représentants de la France et de l'Espagne chargée d'examiner avec les représentants britanniques la question du statut de Tanger.

Ministère des Affaires étrangères, Paris,
le 21 octobre 1922.

Chapter III.—The Spanish Zone.

(a.) Claims of British Subjects and Protected Persons.

[W 5703/291/28] No. 93.

Sir E. Howard to the Earl of Balfour.—(Received July 10.)

(No. 496.)

My Lord, *Zarauz, Guipúzcoa, July 6, 1922.*

WITH reference to the despatch from the Foreign Office to the Treasury of the 16th May last, a copy of which I have seen in the Morocco Confidential Print of the same date, respecting the proposed arbitration of British claims against the Spanish authorities in Morocco, I note that in this despatch Mr. Villiers states that "if the Spanish Government agree to these conditions (that is, that all claims of all kinds whatsoever shall be submitted to arbitration) it is likely that the arbitrator will be selected and the claims submitted to him without much further delay."

While agreeing with this sentence, I venture to point out that it is exceedingly likely that the Spanish Government will continue to procrastinate as they have hitherto, and endeavour to put off the decision until some other Government takes their place, when we shall be compelled to start again from the beginning. It would appear therefore to be essential that I should sooner or later be authorised to present the Spanish Government with something in the nature of an ultimatum on this matter, to the effect that either we must have their acceptance of the proposed submission to arbitration by a neutral jurist of all British claims, as desired by His Majesty's Government, within a specified time, or, failing that, His Majesty's Government will insist on the submission to arbitration of all these claims to The Hague, in which case, if the two Governments cannot agree on the terms of reference as regards the claims to be submitted, it will be open to the Spanish Government to plead before The Hague Tribunal that claims arising from damage done to property either in the course of military operations or by the acts of rebels or bandits are not of a nature to be submitted to arbitration. Unless we take some definite step of this kind, I foresee that the whole question is likely to drag on indefinitely, and that we shall not reach a solution within a reasonable time.

At the same time, I feel averse to presenting an ultimatum of this kind to the Spanish Government as long as our commercial negotiations are in the balance. It seems essential to avoid giving the Spanish Government any special cause of offence which can be avoided for the moment, and which if created now might possibly make them stiffer with regard to the commercial negotiations, which after all are of far greater importance than the settlement of the British claims in Morocco. It may be hoped, I think, that we shall have come to a decision with regard to the commercial treaty one way or the other before the autumn, and I would therefore venture to advise that we should take the drastic step I have suggested with regard to the Morocco claims when we see definitely that a commercial arrangement can or cannot be obtained.

I should be glad to know in due course your Lordship's views as to whether, in case we have to insist on the submission of these claims to The Hague or to some other formally constituted tribunal, we can or cannot accept the view of the Spanish Government that they would be entitled to argue before such a court that damages arising out of military operations, or the acts of rebels or bandits, are not arbitrable. I fear that unless we agree to this point, the discussion over the terms of reference is likely to be interminable, and it would seem to be not without use in the future that there should be some international decision given on this point, which so far as I am aware is still to some extent open to question.

I have, &c.
ESME HOWARD.

[W 5703/291/28] No. 94.

The Earl of Balfour to Sir E. Howard (Madrid).

(No. 365.)

Sir, *Foreign Office, July 19, 1922.*

I HAVE received your Excellency's despatch No. 496 of the 6th instant regarding the proposed arbitration of British claims against the Spanish authorities in Morocco.

2. In my telegram No. 69 of the 5th instant I instructed you to take an early opportunity of conveying a hint to the Spanish Government that they would do well to come to terms with us in this matter before the start of the Tangier conversations. If this hint produces no effect and the Spanish Government continue to persist in a policy of procrastination, I authorise you to present an ultimatum of the nature suggested in your despatch as soon as the negotiations for the Anglo-Spanish Commercial Treaty are at an end.

3. His Majesty's Government do not accept the view that the Spanish Government are entitled to argue before an arbitration court that claims for damages arising from military operations or the acts of rebels or bandits are not arbitrable. They hold that these claims are "differences of a legal nature" within article 1 of the Anglo-Spanish Arbitration Agreement of the 27th February, 1904, which reads as follows:—

> "Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two contracting States, and do not concern the interests of third parties."

4. Nevertheless, if it is necessary in order to put an end to the present deadlock, I am ready to concur in your proposal to inform the Spanish Government that, if the two Governments cannot agree on the terms of reference as regards the claims to be submitted, it will be open to the Spanish Government to plead before The Hague Tribunal that claims in respect of damage arising from military operations or the acts of rebels and bandits are not of a nature to be submitted to arbitration.

I am, &c.
BALFOUR.

[W 6571/291/28] No. 95.

Sir E. Howard to the Earl of Balfour.—(Received August 8.)

(No. 556.)

My Lord, *Zarauz, August 2, 1922.*

REFERRING to my despatch No. 529 of the 21st July, reporting a conversation with the Minister for Foreign Affairs respecting British claims in Morocco, I have the honour to enclose herewith translation of a private letter, dated the 22nd ultimo, which I have received from his Excellency on this subject.

Señor Fernández Prida accepts M. Édouard Lardy as arbitrator, but wishes to restrict his functions to the case of Er Rzini alone.

As soon as his Excellency returns to San Sebastian, which he will do in about ten days, I propose to inform him that His Majesty's Government cannot accept any restrictions of this kind as regards the claims to be decided by the arbitrator, and that, unless the Spanish Government are prepared to accept a general settlement by reference to M. Lardy, they will be obliged to insist on reference of these claims without delay to The Hague Tribunal, under the Anglo-Spanish Arbitration Convention of 1904, or to the International Tribunal of the League of Nations. I should be grateful to be informed by telegram if this procedure meets with your Lordship's approval. I should be grateful also for your Lordship's views as to the emoluments to be offered M. Lardy in case he acts eventually as arbitrator.

I have, &c.
ESME HOWARD.

Enclosure in No. 95.

Spanish Minister for Foreign Affairs to Sir E. Howard.

(Private.)
(Translation.)

My dear Ambassador, *Ministry of State, Madrid, July 26, 1922.*

IN reply to your Excellency's note of the 18th May I have the honour to inform you, in accordance with what was agreed upon in the course of the recent conversation between your Excellency and myself, His Majesty's Government, in its desire to give

a proof to His Britannic Majesty's Government not only of its anxiety to find a solution for the settlement of the English claims, but also to show how far it is animated by a spirit of conciliation and friendship towards England, consents to the designation by both Governments of M. Edward Lardy, formerly Minister of Switzerland in Paris and ex-president of the Institute of International Law, as arbitrator for the purpose of settling the English claims referred to in the first paragraph of the confidential note addressed to you on the 5th January last.

In view of the fact that the claims of Si Abd-el-Kader Er Rzini are the most important and urgent it will be sufficient, in the opinion of His Majesty's Government, for M. Lardy to consider these alone, all the more as all the other analogous subjects awaiting settlement between both countries are of slight importance as compared with those of the British-protected subject referred to, and consequently, on the other hand, they can be dealt with easily at an early date. His Majesty's Government also considers it to be necessary that, before M. Lardy begins to study the matters in hand, both Governments should arrive at an agreement as to the lines on which this gentleman is to proceed in his work, as well as with regard to the number and the qualifications of the functionaries who will assist him, on behalf of both sides, for this Department considers that the assistance of two experts in matters appertaining to lands will not be sufficient to enable the arbitrator to acquire a thorough knowledge of the subject, and that it will be essential that he be posted in all data connected with the claims in the legal aspects involved and the vicissitudes suffered up to date.

In complete accordance with the idea which on one occasion you had the kindness to expound, I hold that, rather than to confer on M. Lardy the official powers of an arbitrator, it would be be ter to acknowledge them in a private manner and to consider ostensibly his mission to be the drawing up of a report made on the spot and as coming from a neutral person whose task it is to advise both Governments.

In order to achieve this object complete reserve shall be maintained by both parties with regard to the nature and the extent of the arbitrators' powers, whose report should be finally accepted by the Governments of both countries.

It would also be well for us to come to an agreement as to the manner in which M. Lardy's services are to be requested, and on the question of emoluments, and with regard to these points I am disposed to consider immediately and in a friendly manner any proposition which you may have to make.

I avail, &c.
FERNÁNDEZ PRIDA.

[**W 6575/291/28**] No. 96.

Sir E. Howard to the Earl of Balfour.—(*Received August* 8.)

(No. 562.)
My Lord, *Zarauz, August* 5, 1922.

I HAVE the honour to acknowledge receipt of your despatch No. 365 of the 19th July respecting the British-Moroccan claims arbitration.

As your Lordship will have seen from my despatch No. 556 of the 2nd instant, I have now received a reply from Señor Fernandez Prida accepting M. Édouard Lardy as arbitrator, but proposing to restrict his functions to the case of Er-Rzini alone. In your Lordship's despatch under reference I see that you authorise me to present an ultimatum of the nature I suggested in my despatch No. 496 of the 6th ultimo, as soon as the negotiations for the Anglo-Spanish Commercial Treaty are at an end, and provided that the Spanish Government continues to persist in a policy of procrastination.

I am inclined to think that the Anglo-Spanish Commercial Treaty is now so far advanced that the presentation of an ulimatum of this nature may be made without any further delay; and therefore, as stated in my despatch No. 556 of the 2nd August, I shall, unless I receive contrary instructions from your Lordship by telegram, speak to the Minister for Foreign Affairs in this sense as soon as he returns to San Sebastian.

I have, &c.
ESME HOWARD.

[**W 7031/291/28**] No. 97.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received August* 22.)

(No. 589.)
My Lord, *Zarauz, August* 19, 1922.

IN continuation of my despatch No. 562 of the 5th August, I have the honour to inform your Lordship that I was this morning at last able to see the Minister for Foreign Affairs at San Sebastian, where he arrived the day before yesterday, and to speak to him on the subject of the British claims in Morocco. I said that I was much disappointed to see from his letter to me of the 26th July that he seemed to have receded from the position taken up both by his predecessor and himself in previous conversations with me, and to be prepared to submit to the arbitration of M. Lardy only the claims of Sid Abd-el-Kader Er-Rzini, stating that, as the rest were not of great importance, they might be otherwise settled in a short space of time. I reminded him that I had been endeavouring now for nearly three years to obtain a settlement of these claims, and that each suggestion made by me under instructions from His Majesty's Government had been invariably put off by the Spanish Government for some reason or other, or by putting forward some new proposal. His Majesty's Government would not, I felt assured, agree to the restriction of the terms of reference to the case of Er-Rzini's claims only, on the ground that these were the most important, because we were just as anxious to settle the smaller claims as the big one. His Excellency replied that it was not his intention to withdraw the proposals previously accepted by the Spanish Government to submit all claims, except for damage done by military operations or through the acts of rebels or bandits, for arbitration. All that he intended to convey to me in his letter to me of the 26th July, translation of which was forwarded to your Lordship in my despatch No. 556 of the 2nd August, was that it might be possible before M. Lardy's arbitration took place to settle a number of these smaller claims by arrangement, so as to reduce as far as possible the work which M. Lardy would have to do. He said that he intended to go through the whole list without delay, and to see whether it would not be possible to come to some arrangement of this sort at an early date.

I replied that if we could settle any matters of this kind out of court before M. Lardy's arrival, I saw no objection to this method of procedure, but it must be distinctly established in the terms of reference that any matters which could not be so settled should eventually be submitted to the arbitration of M. Lardy. To this his Excellency agreed.

I then came to the question of claims for damage arising out of military operations and acts of bandits and rebels. I read to his Excellency paragraph 3 of your Lordship's despatch No. 365 of the 19th July, stating that, in the opinion of His Majesty's Government, claims for such damages fell under the category of differences of legal nature, and therefore came within the meaning of article 1 of the Anglo-Spanish Arbitration Agreement of the 27th February, 1904, and were distinctly arbitrable, but I said that if the Spanish Government still maintained the view upheld by his Excellency's predecessor, Señor Gonzalez Hontoria, that such claims were not suitable for arbitration, His Majesty's Government might be willing to agree that if they were included in the list of claims to be arbitrated on, the Spanish representatives might reserve the right to plead this view before the arbitrator. If they were not included in the list of claims to be submitted to M. Lardy, I said that His Majesty's Government would undoubtedly insist on their being submitted to The Hague Tribunal, while accepting the reservation made with regard to them by the Spanish Government. His Excellency asked, if this was the case, whether it would not be better to submit the whole of the claims, at least such as had not been previously settled between us, to the arbitration of M. Lardy, on condition that the Spanish reservation was accepted by His Majesty's Government. I said that I thought there would be no objection to this. I stated, however, that it was essential that we should have a definite reply from the Spanish Government, and come to a signed agreement on the whole subject with the least possible delay. As I expected to go on leave about the 20th September, I thought that it was very advisable that the whole question should be settled by that date, as otherwise I felt that His Majesty's Government, having seen the question so frequently postponed, would insist on the whole matter being referred to The Hague Tribunal, in accordance with the terms of the Anglo-Spanish Arbitration Convention; and this was, I knew, a solution which both Governments desired to avoid. His Excellency said that he would not only look through the whole list of claims, in order to see

whether some of them could not be immediately settled between us, but would also take up the question of submitting the remainder to arbitration on the lines proposed with the Prime Minister without delay.

I have, &c.
ESME HOWARD.

P.S.—His Excellency also drew my attention to the advisability mentioned in the last part of his letter of the 26th July of settling without delay the amount of the fees to be offered to M. Lardy, and the question of the number of expert representatives on either side to argue the case.

E. H.

[W 7031/291/28] No. 98.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 437.)
Sir, *Foreign Office, August* 30, 1922.

I HAVE received your Excellency's despatch No. 589 of the 19th instant, on the subject of the British claims in the Spanish zone of Morocco.

2. In view of the fact that the arbitration of these complicated and difficult claims must inevitably take a long time, I consider that the best policy would be to offer the arbitrator a lump sum as an inclusive fee, so as to give him every incentive to complete his task with the utmost despatch. This course was adopted in 1911 when Señor Prida was given 1,500*l.* for his services as sole arbitrator of the Anglo-German Walfisch Bay dispute. I would propose that in the present instance the same sum, to include subsistence allowance, but to exclude actual travelling expenses, should be offered to M. Lardy, the total cost to be borne in equal shares by the British and Spanish Governments.

3. The share of His Majesty's Government will be recovered eventually from the amounts awarded to the various claimants. Although it is the regular practice for such amounts to be paid direct to the Government concerned rather than to the claimants themselves, I think it would be well, in order to ensure that funds are available from which to pay the arbitrator's fee, that a definite understanding on this point should be reached with the Spanish Government. I request, therefore, that your Excellency will obtain an assurance that, on conclusion of the arbitration, the Spanish Government will pay immediately the amount of the arbitrator's award direct to His Majesty's Government.

4. As regards the number of experts to be employed, it was my original intention to propose that the case should be argued by a lawyer on each side, assisted by one expert. I observe, however, that Señor Prida in his letter of the 26th July last states that he fears that two representatives on each side will not be sufficient for the complicated work involved. Rather than give the Spanish Government any excuse for further obstruction, I am ready to meet their wishes in the matter and to propose that the case should be argued before the arbitrator by one representative only—preferably a lawyer—on each side, assisted by as many experts as each Government may think necessary. Your Excellency should add that His Majesty's Government intend to employ only one expert to assist their representative.

5. The recent conversations between your Excellency and the Spanish Ministry for Foreign Affairs have proceeded on the assumption that M. Lardy will agree to act as arbitrator, but there is no certainty that he will do so. As soon, therefore, as your Excellency has reached an agreement with the Spanish Government in regard to the arbitrator's fee and the procedure to be adopted, I will instruct His Majesty's Minister at Berne to concert with his Spanish colleague and approach M. Lardy on the subject. You should request the Spanish Government to instruct their representative at Berne accordingly.

I am, &c.
CURZON OF KEDLESTON.

[W 8786/291/28] No. 99.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received October 24.)

(No. 704.)
My Lord, *Madrid, October* 19, 1922.

I HAVE the honour, with reference to my telegram No. 160 of the 18th October, to enclose herewith translation of a note, dated the 16th October, which I have received from Señor Fernández Prida respecting the submission to arbitration of British Morocco claims. I also beg to submit, for your Lordship's approval, draft of a reply which I have drawn up rather hastily to send by a special messenger to-night, and would propose to hand in to the Spanish Government. I should be grateful to receive your Lordship's instructions with regard to it as soon as convenient. I feel that to accept the latest Spanish proposal to delay settlement of the claims arising out of military operations and acts of rebels or bandits, until the Spanish Government have decided whether they or the Makhzen of the Khalifa of the Spanish zone are responsible for such claims, would be to postpone the matter to the Greek Kalends.

I do not feel sure whether your Lordship will agree to the argument used in the last paragraph of my proposed note, as to the Spanish State being clearly responsible in the eyes of foreign Governments for all that occurs in the Spanish zone, as this might imply in some degree a recognition of the Spanish protectorate. But if it is not open to that objection it would appear to be a good argument to use.

I have not at the end of this note suggested a date at which we require acceptance of the bases for arbitration suggested in my note of the 11th September, but this could be added if your Lordship thinks fit, thus giving it the character of an ultimatum. In any case I should be glad if the delivery of this note could be delayed until after the signature of the Anglo-Spanish Treaty of Commerce, which it now seems will probably take place at an early date.

I have, &c.
ESME HOWARD.

Enclosure 1 in No. 99.

Señor Prida to Sir E. Howard.

(Translation.) *Ministry of State,*
Your Excellency, *Madrid, October* 16, 1922.

I HAVE the honour to acknowledge receipt of your note of the 11th September last, in which you formally request the agreement of the Spanish Government to various points which, in your Excellency's opinion, might lead to the speedy solution of British claims in Morocco.

Having carefully studied your Excellency's proposals, I have the honour to inform you that His Majesty's Government, actuated as always by the most friendly and conciliatory spirit, is prepared to accept definitely the following bases :—

First.—All claims of British subjects and British-protected subjects living in Morocco which at the moment M. Lardy commences his labours have not been settled between the two Governments shall be submitted to that gentleman for examination and report. In such claims will not be included those arising out of military operations, rebellion of certain tribes, or acts of brigandage.

Second.—Mr. Lardy should not be requested officially to arbitrate on these claims, but only to examine and report on them, and to state the amount which he considers payable in each case.

Third.—Notwithstanding the above, it will be understood that M. Lardy's proposals will be accepted by both parties in such case just as though they carried the nature and weight of the award of an arbitrator.

Fourth.—Each party to this agreement shall have one representative, who may be a lawyer, to argue the case, who may be assisted by as many experts as each party desires to name.

Fifth.—When M. Lardy has sent in his report, the Spanish Government will, if necessary, pay to the British Government the total sum for the different claimants. This sum will be calculated on the reports made by M. Lardy on each case.

Sixth.—The sum of 1,500*l.* as emoluments will be paid to M. Lardy by the Spanish and British Governments in equal portions. A further sum will also be paid in equal parts as travelling expenses.

Seventh.—The settlement, whether by means of arbitration or by the independent action of the Administration of the Spanish protectorate, of the claims of British subjects and British protected subjects arising out of damage or loss due to military operations, to the insurrection of certain tribes, or to isolated acts of bandits, shall be postponed until such time as His Majesty's Government pronounce their conclusions on a point which should, in their opinion, be decided before each case is discussed, *i.e.*, whether the Spanish State or the Makhzen of the Khalifa is, for legal or equitable reasons, under obligation to indemnify such individuals as have suffered loss or damage owing to the above-mentioned causes, and to what extent such obligation should be met.

It will not escape your Excellency's notice that this involves a grave and delicate question of principle, and that it is impossible for His Majesty's Government to resolve it without a careful study of the juridical and doctrinal aspects of the whole matter, and of the precedents which must be taken into account. There are claims of considerable importance addressed to this Department, of which many are put forward by Spanish concerns which have suffered considerable loss, especially in connection with the events of July 1921. His Majesty's Government proposes to deliver a judgment in this connection with as little delay as possible, and hopes that His Britannic Majesty's Government will appreciate the friendly spirit which has inspired this Department in regard to the examination of the other British claims, which are of course the most important and considerable. It is hoped that your Excellency will recognise the amicable intentions evinced by the acceptance by His Majesty's Government of your Excellency's proposal No. 5, in consequence of which special measures will eventually have to be adopted in order to overcome the difficulties existing in every administrative department in connection with expenditure not provided for in the State budget.

I am persuaded that His Britannic Majesty's Government will have taken all this into account, and will reciprocate by displaying a friendly and accommodating spirit in regard to the only point upon which the Ministry of State disagrees with the proposals of His Britannic Majesty's Government relative to the matter.

I avail, &c.

FERNÁNDEZ PRIDA.

Enclosure 2 in No. 99.

Draft Reply to Spanish Note of October 16.

British Embassy, Madrid.

Your Excellency,

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 16th October, respecting the proposed bases for a settlement of the long-outstanding question of the claims of British subjects and British-protected persons in Morocco.

I am now instructed by His Majesty's Principal Secretary of State for Foreign Affairs, to whom I have submitted your Excellency's note above referred to, to reply in the following terms:—

His Majesty's Government note with satisfaction that the Government of His Catholic Majesty are now in agreement with them regarding all but one of the bases for settlement by arbitration stated in my note of the 11th September, to which your Excellency's note of the 16th October is a reply.

His Majesty's Government, however, cannot but express their serious concern at the proposal now put forward by His Catholic Majesty's Government to delay a settlement of claims for damages arising out of military operations or acts of rebels and bandits, on the grounds that it is necessary for the Spanish Government first to pronounce their conclusions on a point which should, in their opinion, be decided before each case (of this kind) is discussed, namely, whether upon the Spanish State or the Makhzen of the Khalifa, for legal or equitable reasons, devolves the obligation to indemnify such individuals as have suffered loss or damage owing to the above-mentioned causes, and to what extent such obligation should be met.

As I have already had the honour to inform your Excellency on more than one occasion, His Majesty's Government are very strongly of the opinion that it is necessary to deal simultaneously with all these claims, and for this reason have

repeatedly urged that all should be submitted to arbitration, since all, without exception, are in their view arbitrable under the Anglo-Spanish Arbitration Treaty of 1904 as "differences of a legal nature."

In order, moreover, to meet the objections of the Spanish Government on this point, my Government agreed, as stated in my note of the 11th September, to the reservation made, as stated by your Excellency during our conversations on the subject, by the Spanish Government of the right to argue before whatever arbitrator or Court of Arbitration might be selected for the purpose, that claims arising out of military operations and acts of rebels or brigands are not suitable for arbitration.

In your note of the 16th October under reply, your Excellency says that your Government propose to deliver, with as little delay as possible, a judgment on the question of whether the responsibility for payment of such claims rests with the Spanish State or the Makhzen of the Khalifa, and hopes that His Britannic Majesty's Government will appreciate the friendly spirit which has inspired the Spanish Department of State in regard to the examination of other British claims, which are of course the most important and considerable. Lord Curzon of Kedleston, while fully recognising the friendly spirit which has animated your Excellency with regard to these negotiations, cannot, however, but recall that representations for the settlement of claims in the Spanish zone of Morocco have been made to the Government of His Catholic Majesty for the last nine years without any satisfaction being obtained for the claimants, except in a few cases, where the amounts claimed were comparatively small. I do not wish here to recapitulate the history of these negotiations, and would for this purpose only refer your Excellency to my *note verbale* of the 18th May last, in which it was set forth at some length. I would therefore only venture to remark here that when, in June 1920, His Britannic Majesty's Government, after waiting for a resolution for seven years, proposed submission of these claims to a joint Anglo-Spanish commission, as an inexpensive and practical method of arriving at an equitable conclusion, I was informed that, as the Spanish Claims Commission had almost terminated its labours, and its decisions on the claims submitted to it were likely to be issued very shortly, there was no object in appointing an Anglo-Spanish commission to deal with the British claims.

One year later, this Embassy was informed that the Spanish Commission had fixed the indemnity to be paid on four of the principal claims, nothing being said with regard to the others. I was instructed later to inform His Catholic Majesty's Government that the amount offered was considered by His Majesty's Government to be entirely inadequate. Since that date, after which His Britannic Majesty's Government proposed an appeal to arbitration as the only satisfactory method of settlement, I believe that no further decisions have been taken by the Spanish Claims Commission with regard to any important British claims. I trust that your Excellency will therefore forgive me if I say that it is on account of these long delays in the past that His Britannic Majesty's Government, while most desirous of meeting the views of the Spanish Government in every way compatible with British interests, now feel that the time has come for a simultaneous and complete settlement of all claims on the lines laid down in my note of the 11th September, and that they are therefore compelled, to their regret, not to accede to the request put forward in your Excellency's note under reply, that the claims arising out of military operations and acts of rebels and bandits should be made the subject of a further postponement on account of a question—namely, the respective responsibility for payment of indemnities of the Spanish State or the Makhzen of the Khalifa—which appears to them to be rather an internal one, to be settled between those two authorities, than of international concern. So far as international questions arising from the administration of the Spanish zone of Morocco are concerned, His Britannic Majesty's Government presume His Catholic Majesty's Government will not dispute the view that these are in the hands of the Spanish Government, and that it is that Government which must, in the eyes of foreign countries, be held responsible for events occurring within that zone.

It is for the above reasons that His Britannic Majesty's Government feel that it is unfortunately impossible for them to accept any further modification of the proposed bases for settlement by arbitration laid down in my note of the 11th September, and are compelled to state that, if the Government of His Catholic Majesty cannot agree with them as they stand, they have no further option but to ask for the submission for arbitration at the earliest possible date of all British claims in the Spanish zone of Morocco either to The Hague Tribunal or to the International Court of the League of Nations.

[W 8786/291/28] No. 100.

The Marquess Curzon of Kedleston to Sir E. Howard (Madrid).

(No. 99.)
(Telegraphic.) R. *Foreign Office, October* 24, 1922.

YOUR despatch No. 704.

Are you sure that your interpretation of seventh Spanish basis is correct? We think Spanish Government mean that they must determine in each case, not whether it is the Spanish State *or* the Makhzen which is liable, but whether *either* is liable, *i.e.*, they will try and repudiate liability on behalf of both themselves and Makhzen.

[W 9034/291/28] No. 101.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received October* 31.)

(No. 723.)
My Lord, *Madrid, October* 28, 1922.

ON receipt of your telegram No. 99 of the 24th instant, I directed Mr. Wingfield, Counsellor to His Majesty's Embassy, to make enquiries of the Under-Secretary of State for Foreign Affairs as to the exact meaning attached by the Spanish Government to the seventh of the bases on which the Spanish Government are prepared to submit to an arbitral decision questions arising out of the British claims in Morocco. Señor de Palacios said that he had not himself dealt with this subject, so he was not able to express an authoritative opinion as to the precise idea which the passage in question was intended to convey. He promised, however, to make enquiries and to inform Mr. Wingfield by letter what the official view of the Spanish Government was on this subject. His personal opinion was that four alternatives had to be considered :—

(1.) That the Spanish State was responsible for providing compensation.
(2.) That the Makhzen had this responsibility.
(3.) That they were both responsible.
(4.) That neither of them was responsible.

Of these alternatives the Spanish note informed us that they desired to investigate the first two, that is, whether (1) the Spanish Government or (2) the Makhzen was responsible. They did not expressly mention the other two alternatives, since the answers to the first two would cover the last two alternatives, but the grammatical construction was, he thought, the best to convey the meaning that these four alternative conclusions might be come to.

I will not fail to inform your Lordship when Señor de Palacios sends his promised statement on this subject.

I have, &c.
ESME HOWARD.

[W 9509/291/28] No. 102.

Mr. Wingfield to the Marquess Curzon of Kedleston.—(*Received November* 19.)

(No. 180.)
(Telegraphic.) R. *Madrid, November* 18, 1922.

YOUR telegram No. 107.

Spanish Government informs me meaning is that they reserve right of deciding whether they are under any obligation in law or in equity to grant compensation either in their own name or in that of Khalifa.

[W 9509/291/28] No. 103.

The Marquess Curzon of Kedleston to Mr. Wingfield (Madrid).

(No. 590.)
Sir, *Foreign Office, November* 24, 1922.

I HAVE received your telegram No. 180 of the 18th instant relative to British claims in the Spanish zone of Morocco. There can now be little doubt that, as I surmised, the Spanish Government will, if His Majesty's Government agree to their present demand, repudiate all liability, on behalf both of themselves and of the Spanish Administration in Morocco, for claims arising out of military operations or acts of rebels and bandits. His Majesty's Government have no intention, however, of agreeing to the Spanish demand.

2. The necessary amendments have been made in the draft note to the Spanish Government enclosed in Sir E. Howard's despatch No. 704 of the 19th ultimo. I transmit a copy of the draft as amended, and I request that you will address a note in these terms to the Spanish Government without delay. You should press for an early answer, and if you have not received one within a month you should report to me for further instructions.

I am, &c.
CURZON OF KEDLESTON.

Enclosure in No. 103.

Draft Reply to Spanish Government.

Your Excellency, *Madrid.*

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 16th October respecting the proposed bases for a settlement of the long-outstanding question of the claims of British subjects and British-protected persons in Morocco.

2. I am now instructed by His Majesty's Principal Secretary of State for Foreign Affairs, to whom I have submitted your Excellency's note above referred to, to reply in the following terms :—

3. His Majesty's Government note with satisfaction that the Government of His Catholic Majesty are now in agreement with them regarding all but one of the bases for settlement by arbitration stated in my note of the 11th September, to which your Excellency's note of the 16th October is a reply.

4. His Majesty's Government, however, cannot but express their serious concern at the proposal now put forward by His Catholic Majesty's Government to delay a settlement of claims for damages arising out of military operations or acts of rebels and bandits, on the ground that the Spanish Government must first decide whether they are under any obligation in law or in equity to grant compensation either in their own name or in that of the Khalifa.

5. As I have already had the honour to inform your Excellency on more than one occasion, His Majesty's Government are very strongly of the opinion that it is necessary to deal simultaneously with all these claims, and for this reason have repeatedly urged that all should be submitted to arbitration, since all, without exception, are in their view arbitrable under the Anglo-Spanish Arbitration Treaty of 1904 as "differences of a legal nature."

6. In order, moreover, to meet the objections of the Spanish Government on this point, my Government agreed, as stated in my note of the 11th September, to the reservation made, as stated by your Excellency during our conversations on the subject, by the Spanish Government of the right to argue before whatever arbitrator or Court of Arbitration might be selected for the purpose that claims arising out of military operations and acts of rebels or bandits are not suitable for arbitration.

7. Lord Curzon of Kedleston, while fully recognising the friendly spirit which has animated your Excellency with regard to these negotiations, cannot but recall that representations for the settlement of claims in the Spanish zone of Morocco have been made to the Government of His Catholic Majesty for the last nine years without any satisfaction being obtained for the claimants, except in a few cases, where the amounts claimed were comparatively small. I do not wish here to recapitulate the history of these negotiations, and would for this purpose only refer your Excellency to my *note verbale* of the 18th May last, in which it was set forth at some length. I would therefore only venture to remark here that when, in June 1920, His Britannic Majesty's

Government, after waiting for a solution for seven years, proposed submission of these claims to a joint Anglo-Spanish Commission as an inexpensive and practical method of arriving at an equitable conclusion, I was informed that, as the Spanish Claims Commission had almost terminated its labours, and its decisions on the claims submitted to it were likely to be issued very shortly, there was no object in appointing an Anglo-Spanish Commission to deal with the British claims.

8. One year later this Embassy was informed that the Spanish Commission had fixed the indemnity to be paid on four of the principal claims, nothing being said with regard to the others. I was instructed later to inform His Catholic Majesty's Government that the amount offered was considered by His Majesty's Government to be entirely inadequate. Since that date, after which His Britannic Majesty's Government proposed an appeal to arbitration as the only satisfactory method of settlement, I believe that no further decisions have been taken by the Spanish Claims Commission with regard to any important British claims. I trust that your Excellency will therefore forgive me if I say that it is on account of these long delays in the past that His Britannic Majesty's Government, while most desirous of meeting the views of the Spanish Government in every way compatible with British interests, now feel that the time has come for a simultaneous and complete settlement of all claims on the lines laid down in my note of the 11th September, and that they are therefore compelled, to their regret, not to accede to the request put forward in your Excellency's note under reply, that the claims arising out of military operations and acts of rebels and bandits should be excluded from the proposed arbitration by M. Lardy.

9. His Britannic Majesty's Government feel that it is unfortunately impossible for them to accept any further modification of the proposed bases for settlement by arbitration laid down in my note of the 11th September, and they are compelled to state that, if the Government of His Catholic Majesty cannot agree with them as they stand, they have no further option but to ask for the submission for arbitration at the earliest possible date of all British claims in the Spanish zone of Morocco either to The Hague Tribunal or to the International Court of the League of Nations.

(b.) Policy of the Spanish Government in the Spanish Zone.

[W 7395/7395/28] No. 104.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received September 4.)

(No. 612.)

My Lord, *Zarauz, August 31, 1922.*

I HAVE the honour to forward herewith a summary drawn up by Mr. Houstoun-Boswall of a series of articles published in the "Libertad" by one of its editors, Don Luis de Oteyza, about his recent journey in the Riff country and visit to Abd-el-Krim's headquarters.

The "Libertad" is the organ of Don Santiago Alba, one of the chiefs of the Liberal Coalition. These articles have created a great stir in the Spanish press and have been commented on in various ways according to the political opinions of the writers, some saying that the act of Don Luis Oteyza in visiting Abd-el-Krim was little short of treason, and others eulogising his courage on the ground that it was necessary for the Spanish public to know the whole truth. As a matter of fact, beyond the interest which attaches to the actual words spoken by Abd-el-Krim, there would appear to be little that is not already known in the reports of Señor Oteyza. The article, however, which has aroused the most serious criticism in this country, especially in the pro-French organs of Count Romanones, is that which describes the action of the French authorities with regard to events in the Riff as having been persistently hostile to Spain.

As your Lordship will observe, Señor Sánchez Guerra, the Prime Minister, at once denied these accusations, in order, no doubt, to prevent any official complaints by the French Government.

As far as the question of the ransom of the prisoners is concerned, Abd-el-Krim practically throws no light upon the matter, and the negotiations connected with this business are wrapped in mystery.

I have, &c.

ESME HOWARD.

Enclosure in No. 104.

Summary of Articles by Don Luis de Oteyza, which appeared in the "Libertad" between August 8 and 17, entitled "In the Enemy's Camp."

ON the 1st August Don Luis de Oteyza, editor of the "Libertad," accompanied by two photographers, returned to Melilla from a visit which they had paid to Abd-el-Krim. They appear to have reached the headquarters at Aydir, not far from Alhucemas, without incident, and to have been immediately shown into the presence of the Moorish leader. The latter said that the Moors did not want war, they wanted independence. The Moors were prepared to live in friendship with Spain provided that she refrained from any effort to impose her yoke upon them. The Spanish application of the word "protectorate" conveyed to the Moors nothing more than slavery. Señor Oteyza suggested that the Powers would not be easily persuaded to allow the formation of a new State on the coast of the Mediterranean so near to them, and pointed out that even if Spain gave up her interests in Africa another Power would take her place. Abd-el-Krim, in reply, reiterated the previous statement. He affirmed that the Riffians had no hatred for the Spanish people, but that they hated the Spanish military party. When the Riffian Republic was recognised, Spain would be accorded most-favoured-nation treatment. As for the Spanish officers who had been entrusted with the government of the Riff up to date, they were incapable of administration and abused their power. The decision to break with Spain was not taken originally by him, but by his father, who had sent for his two sons to come to him, the one from Madrid and the other from Melilla. Abd-el-Krim had come from the latter place. He went on to say that what had first annoyed him personally was his arrest at Melilla for no offence beyond the fact that his father had refused to go to Peñon to pay his respects to General Jordana. He had spent six months in prison. Señor Oteyza interposed that his imprisonment may have been due to French representations on account of his pro-German tendencies, but that was met with an emphatic denial.

The subject was dropped and the question of the prisoners came up, but on learning that Señor Oteyza had no authority to treat on behalf of the Spanish Government he refused to discuss it. He mentioned, however, that the prisoners were not necessary as hostages to the Moors, who were now strong and united, whereas formerly they had been divided. Abd-el-Krim finished this conversation by again expressing his desire to co-operate with Spain in working out the salvation of the two countries.

Later, the journalists were conducted on a long and painful journey to visit the prisoners of war: the writer describes his meeting with them in a most emotional way, but does not mention anything of any particular interest beyond the fact that he saw and spoke to General Navarro. This officer, however, showed a distinct disinclination to make any statement, although he permitted a photograph to be taken of him. On being told that his wife and daughter were in Melilla and wished to come to see him, General Navarro became very violent, and said neither his daughter nor anyone else should come.

On another occasion Señor Oteyza was accorded an interview with several important members of the Government of the Riffian Republic, Abd-el-Krim being present. At this interview he learnt that the *coup* of July 1921 had been prepared since the previous April; members of the Spanish native police had known all about it, but had been bribed to keep their knowledge to themselves. In justification of the rising, Abd-el-Krim said that the Moors' code of justice is their religion; their only judges are their priests, and yet the sort of thing the Spaniards did was to appoint as judge a captain of the secret police so unused to Moorish customs that he did not even know their language. Another detail which the Moorish leader considered to be in somewhat bad taste was that the Spaniards had built a church at Nador, above the High Altar of which was the picture of Santiago (Saint James, Patron Saint of Spain) killing Moors. These and other annoyances which they suffered through the Spanish domination had induced Abd-el-Krim's father to prepare an attack upon the Spaniards, when they first moved against Tafersit, but he had been forced to give up the idea on account of an illness of which he died shortly afterwards. The chieftainship thus came to the elder of his two sons. The sons, though disquieted by the behaviour of the Spaniards, were persistent in their efforts to avoid the shedding of blood. Abd-el-Krim sent his trusted lieutenant "Pajarito" to General Silvestre to warn him of impending trouble, but this emissary had been almost thrown out of the window for his pains, the General

remarking that Spain was strong enough to go where she wanted and that he himself intended to go into the Beniurriaguel country (Abd-el-Krim's tribe) in spite of all the Abd-el-Krims in the world. Furthermore, his brother had written to Señor Gimenez, Rector of the Residencia de Estudiantes in Madrid, and to Señor Aguirri, the Director of the Ministry of State, explaining that if Spain continued her policy of aggression she would meet with disaster, and suggesting that if proofs were wanted a civil commission be appointed to visit the country. No reply was vouchsafed to either letter.

In spite of the rebuff to his messenger, Abd-el-Krim wrote again to General Silvestre that any advance from Annual would be dangerous, and once more his letter was unanswered.

Then the storm broke. Igeribar fell before Pajarito: then followed Annual. The chief motive of the leaders was to take prisoner General Silvestre. They did not hate this general, whom there was no cause to blame for the disaster. This was due to his rivalry with Berenguer, which had almost driven him mad. Abd-el-Krim also asserted that it was common knowledge that he had been urged forward from Madrid. General Silvestre died by his own hand. When his troops had fled from Annual in disorder, he was stalking a Moor behind a prickly pear which had wounded him in the feet, but seeing his strength was failing he gave up the effort and shot himself through the throat.

Continuing their description of the collapse of the garrison of Annual, the Moors related that the ground was covered with hundreds of thousands of corpses (which bore no wounds). Señor Oteyzo asked what this meant: had they been mutilated? He was informed that they had not been mutilated, nor had they committed suicide. The explanation was even more simple: they had made a great effort; they had run a great deal; the day was hot, and the soldiers had dropped from fatigue and had died in their tracks. Señor Oteyza was told by Abd-el-Krim that he had not taken Melilla itself, although he had known it lay open before him, because he had seen the effect of their successes upon the tribes. The sack of Melilla would have been terrible to behold. His brother also realised this, so the chief had sent him with three kaids and 600 men to hold back the others. For a week they remained on Mount Gurugu covering General Berenguer while he established a line of defence. Abd-el-Krim saw no particular merit in his action on this occasion. From his point of view it was good propaganda, for the Moors were striving and are striving to be considered a worthy people and not a tribe of savages.

He said that as far as atrocities were concerned, the most advanced nations of Europe in the great war had committed as many and as great. His own tribe, the Beniurriagueles, had taken no part in this vile action; they had only fought man to man and nothing else. They had even collected the prisoners from the other tribes in order to protect them. As regards the atrocities committed by the other tribes, let the Spaniards not forget that they themselves had civilised these very tribes.

The Riff Republic, it was explained, comprised thirty-one tribes, who had by their unanimous vote appointed Abd-el-Krim President. Owing to the state of war existing, his power up to the present has been absolute and despotic. Under him there is a sort of Council of Ministers, which meets occasionally under the presidency of Abd-el-Krim. All wear arms, and all fight to set a good example to their people. Under the Council of Ministers there are the chiefs of tribes, who act as Governors. Under them as lieutenants are the cadis, or judges, and kaids. There is usually one cadi for every important centre, and one kaid in command of every 200 warriors. In due course a Chamber of Deputies will be set up.

The conditions of peace which Abd-el-Krim told Señor Oteyza he would be prepared to accept are:—

1. Absolute independence of the region between the Kert River and Tetuan. In this area he would tolerate no domination whatsoever.

2. Community of interests between Spain and the Riff, in which Spain will be stronger than any other nation.

Spaniards are the people the Moors esteem most because their ideas and feelings are very similar. They would be given openings for trade and preference in the exploitation of the riches of the country. The Moors would look upon them as brothers among them: they have never fought Spanish people, but the imperialist military party which has sought to make them slaves. Far from rejecting Spanish workmen and business men, they invite them to come to their shores. If the other nations intervened they would war with them. The Riff always has been, and always

will be, independent. If Spain would only recognise their independence, an alliance could be made between the two peoples, and Spain would have no better or more unselfish friends than the Moors.

The only reason the prisoners were not already back in Spain was that the Spanish politicians did not wish it. Negotiations had, indeed, taken place with General Berenguer when Abd-el-Krim laid down as his price the payment of 4,000,000 pesetas and the liberty of all Moors at that time in the hands of the Spaniards.

These negotiations broke down and were not taken up again for some time, probably because, as the Moorish leader suggested, they had not been brought to a successful issue when Señor La Cierva visited Morocco with the journalists, it was thought best to drop the question. Then Señor Almeda initiated further negotiations, and the Moors had asked him as a first condition that some fifteen peaceful Beniurriagueles should be set at liberty who had been sent to prison when the disaster occurred simply for being Beniurriagueles. Three of them had been students at the native school in Melilla, another a shopkeeper in Malacon, and others were travellers returning from Algiers. Señor Almeda replied that in forty-eight hours he would answer. Nothing more has been heard of him.

After another interview with Abd-el-Krim, in which nothing of any particular interest was said, Señor Oteyza took his leave of the Moorish leader, who asked him to publish warnings in his paper that if Spain continued her old policy she was courting disaster in the near future. He also wished it to be made clear that after this warning the Moors could not be held responsible for any lives that might be sacrificed.

In the final article, Señor Oteyza makes serious charges against France. He had spent some little time at Oran previous to his successful expedition, preparing one which was rendered abortive by the French authorities. An old friend of his, a Spaniard residing in Oran, tried to persuade him not to pass through the French zone of Morocco because the French did not encourage Spaniards there for fear they should see what was going on. A Frenchman of Spanish origin explained that the last thing the French wanted was the ransom of the prisoners, because when that event took place the pacification of the Spanish zone would begin and would result in the migration to the French zone of the warlike elements, who only lived by fighting. France did not wish Spain ever to be master of the territory of the Beniurriagueles, because she hoped to be predominant herself there one day, and thus obtain the only possible outlet through her own zone to the Mediterranean. In amplification of the above, the Frenchman said that French subjects smuggled openly under the very noses of the authorities, and the Moors of the tribes in revolt against Spain are allowed to come and work and earn wages, not only in French Morocco, but in Algeria itself. Señor Oteyza entered the French zone.

Proof of these statements was not wanting. Señor Oteyza saw Moors wearing articles of Spanish uniform. In the Arab stores were many Moors who knew Spanish: this he considered significant, as only the members of the tribes around Ceuta, Melilla and Peñon de Alhucemas can speak that language. He saw Moors with Spanish bandoliers in the streets of T'Lemzem. The horse of the cab he hired was marked with the brand of the Spanish army remounts.

M. Feit, the French representative at Uxda, appears to be indefatigable in his efforts on behalf of the French, and Señor Oteyza learnt much concerning him and his doings from Spanish subjects, whose names he does not mention for obvious reasons. At Tauritz shortly after the disaster about 500 Spanish remounts were sold, and of these the mules were bought for the French army.

Five soldiers of the Spanish native police, when on leave in the French zone where their families lived, were made prisoners for being in the service of Spain, and are still in prison, in spite of complaints through the diplomatic channels. In a machine workshop at Mequienez two pieces of artillery were prepared for Abd-el-Krim, and in a foundry at Uxda locks for cannons had been manufactured for him also. From the French zone between Tauritz and Tazza a caravan starts regularly every week for Aydir (Abd-el-Krim's headquarters) under the leadership of the Kaid of Tamsaman Bon Kad-Dour.

Port Say is a small trade post built by a French millionaire of that name ("The Emperor of the Sahara") on the frontier of the French and Spanish zones. M. Say, when he died, left Port Say to Daniel Bourmencé, his illegitimate son. The place would be a worthless inheritance but for the contraband which flows through it to the Bay of Alhucemas. It has been the subject of diplomatic protests without number, but France takes no notice.

At Port Say there has also been living for the past six months M. de Taillis, an influential part-proprietor of the "Journal," who writes despatches and telegrams to his paper, headed "In the Riffian Headquarters Camp." The Spanish Ambassador in Paris should investigate the matter and find out what such a great organ of public opinion should find so important in the Riffian Republic.

Señor Oteyza heard that M. de Taillis was living in hopes of a fat commission on the ransom demanded by the Moors for the prisoners, and that the price of this ransom has gone up on his advice, but he thinks that M. de Taillis also has an eye on the future mining concessions to be granted to certain French companies who have already sent engineers to study the seams.

Looking back on the time he spent in the Moorish camp, and considering what he saw in the French zone, Señor Oteyza draws the conclusion that France is on the side of Spain's enemies. In Aydar the Moors had shown him cannons, machine guns and trenches, which left no doubt in his mind at all. During his interviews with Abd-el-Krim, the latter had made it perfectly clear that though there had once been a time when he did not see eye to eye with the French, he now had a perfect understanding with them. The leader's brother had asked him if he was going back viâ the French zone. Señor Oteyza replied that this was impossible, because he had left his passport with his heavy luggage, whereupon he was told not to let this put him out. "My brother will give you one." Pajarito had boasted about his visits o Paris, enlarging upon the fact that the Spanish Ambassador there had requested 'he French Government to expel him and the chief's brother when they were there about six weeks ago, but had been met with a refusal.

In conclusion, Señor Oteyza drew a parallel between the action of America 'n helping Cuba and the French in helping the Riff.

The Prime Minister, commenting to journalists on that portion of the articles which referred to the hostility of France and her unwillingness to help Spain in her work of pacification, said that nothing could be more untrue than the accusations made therein, and that he knew no grounds on which such charges could be based. Moreover, from time to time the High Commissioner reported on the ever-increasing spirit of cordial co-operation in which the French authorities worked with him and those under him for the furtherance of civilisation in the Spanish zone.

The "Diario Universal" rejoices at the prompt denial given by Señor Sánchez Guerra, implying that there are no limits to which journalists will not go in their search for sensational matter.

Señor Joaquin Aznar, however, in the "Libertad," makes a suitable reply to the Prime Minister and other critics of that journal in an article entitled "Truth, the Accuser," saying that it is a good thing for Spaniards to know the truth for once, though Spain was never famous for her cult of veracity.

[W 7384/171/28] No. 105.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received September 4.)

(No. 614.)

My Lord, *Zarauz, August 31, 1922.*

FOR some time past the Spanish press has been full of rumours of differences of opinion between the Spanish Government and their High Commissioner in Morocco, General Burguete, who, as your Lordship will remember, was appointed only last month on the resignation of General Berenguer. General Burguete was sent to Morocco with instructions to carry out a policy, the aim of which was to terminate military operations in the Spanish zone as soon as possible, to reduce expenditure and generally to prepare the way for the Civil Protectorate and an era of peace. The general's plan for dealing with the Spanish zone, which found favour with practically all parties, was to secure the complete pacification of the western sector from Ceuta, Tetuan and Sheshauen to Arzila and Larache, to hold and occupy firmly a small district round Melilla in the east and for the middle sector to continue to dominate the coast by holding on to "places fortes" such as Alhucemas and to let peaceful penetration do the rest.

For a year the Spaniards had maintained a large and costly army of nearly 150 000 men in the zone against a force of approximately 10,000 armed Riffs and a few straggling supporters of Raisuli. They had not been able to reconquer completely the territory they lost in three days during the disaster of July last year, neither had

they succeeded in settling accounts with Raisuli though the latter had been surrounded for months by forces much superior to his own. The campaign was costing the country about 4,000,000 pesetas a day and economy was urgently necessary if the system of deficits which has become chronic was to be ended, and last but not least General Berenguer's system of dotting blockhouses and small posts all over the country, whose communications were frequently interrupted, gave serious cause for fear that the army in Morocco, which had never been an efficient fighting force and was now stale from long inaction, might undergo another and more decisive defeat than that of Annual. The country was tired of the adventure and clamouring for the return of the troops and General Berenguer's failures to impose peace after so many months produced the atmosphere of hostile criticism which caused his resignation last July.

This was the situation when General Burguete was sent to replace General Berenguer a little more than a month ago. Everyone then believed that he would hasten to carry out the policy of the Government as above described, that the army in Morocco would be repatriated forthwith and the burden of expenditure reduced without delay, though it was understood that by hook or crook Raisuli must first be dealt with and the western sector at least reduced to some appearance of order and tranquillity.

None of these things have happened. No men have been repatriated without others to take their place. Raisuli is still at large, expenditure goes on on the same scale. Abd-el-Krim is more arrogant than ever, and the blockhouse system continues. So far as it is possible to judge all that the new High Commissioner has to his credit apart from a few very minor successful operations, which were boosted in the press, but were set off by a number of minor misadventures, are a series of bombastic speeches and an effort to emulate the Great Powers during the European war by broadcasting propaganda pamphlets from aeroplanes, which were hardly likely to have much effect among illiterate barbarians like the Riffs. The last of these literary efforts contained a threat that unless the Riffs at once gave up their Spanish prisoners he, General Burguete, would come and release them by force. This appears, according to press statements, to have been too much for the Prime Minister, who pointed out that it was in direct opposition to the instructions received by the general. The latter explained that he had written the proclamations in order to make an impression on the enemy and to show them how far the power of Spain could reach. He seems to have forgotten that they had had clearer demonstrations of this than any that could be contained in a pamphlet.

The public in the meantime were surprised to learn that, despite his instructions to terminate military operations and repatriate troops, the general was now asking for more men with the object of attacking Abd-el-Krim in his own territory of Beniurriaguel and seizing the Bay of Alhucemas, an operation which had been discussed for months past and had been generally abandoned as likely to be very costly and uncertain of success.

General Burguete was at the same time urging that he might come to Madrid and confer with the Government. The Prime Minister put him off saying that this was unnecessary as he himself shortly intended to go to Morocco, but General Burguete pleaded urgent reasons of health, and was finally given leave. His arrival in Madrid to-day coincides with that of the King of Spain, who has just returned from Deauville. There can be no doubt therefore that an important Council of State will be held in the capital to-day or to-morrow to deal with the subject of Morocco. It is said that General Burguete has the backing of the army in Morocco, which means no doubt of certain officers who are incensed against what they consider the arrogance of Abd-el-Krim as shown in certain declarations made to the editor of the "Libertad" (see my despatch No. 612 of the 31st instant). On the other hand, the Government, if they insist on economy, ending military operations and repatriation of the troops, will undoubtedly have the great mass of the country behind them.

It is said that Señor Sanchez Guerra intends to raise the question whether or no the Government still have the confidence of the King. If the King supports General Burguete, the Cabinet will resign, but it seems hardly possible that His Majesty could do this as no Government but a military Government would be prepared in the present state of public opinion to back up the general. It is more likely, if one may venture to adopt the ungrateful rôle of prophet, that the present Government will continue in office for a short time longer and that matters in Morocco will continue as before, no real decision being taken. The Government knowing the inefficiency of the army dare not put their fate in Morocco to the touch to win or lose it all, and the Spanish "pundonor" does not allow them to adopt any real practical

policy of cutting their losses as much as possible and carrying out a systematic plan of reducing the occupation of the zone to the lowest possible limit.

It is therefore to be feared that the policy of unshakable indecision which has hitherto guided Spanish policy in Morocco will continue to be the order of the day until it leads to the inevitable cataclysm as in the case of Cuba.

The press, Conservative and Liberal, is equally pessimistic. Perhaps the best summary of the general view is to be found in a statement of Count Romanones published in the "Pueblo Vasco" of to-day. "Morocco, only Morocco, one can think of nothing else," said the Count. "I do not wish nor know how to think or speak of anything else, since it preoccupies me with a pessimism that has grown day by day since I made my speech at Seville (see my despatch No. 345 of the 29th April). I then pointed out a road which it is now no longer possible to follow. What are we to do? That is a problem to which I see no solution.

"The Minister of Finance has publicly declared that we cannot support the military burden of Morocco, but the Civil Protectorate must be preceded and supported by military action, and nothing has been done either for one solution or the other. Time has been sadly wasted and nothing is done to settle this question which is a national burden.

"Some time ago I might have been disposed to make the sacrifice and accept the post of High Commissioner, now wild horses would not drag me there and I know no other civilian who would dare to undertake what I am afraid to do."

The Count went on to criticise the action of Conservative Governments in Morocco, but added that he feared that even a concentrated Liberal Government would not be able to solve the problem. A Coalition Government, in his opinion, would alone be able to deal with it.

The Count pooh-poohed the idea that a new Cortes would be able to help, they would resolve nothing. "The constituencies," he said, "are sick and the work of healing them will be hard and long. Only the rich can get into Parliament nowadays. Sagasta, if he was alive, could not be a Deputy now. . . . . But even I cannot make Deputies of men of talent and intelligence on whose personal assistance I should like to count. This is the truth—desolating but sure. . . .

"The country hates the politicians. Morocco is a threatening cloud which grows more and more in size and density.

"My pessimism is justified and in such a critical situation a Sanchez Guerra Government is not good enough."

It is only fair to say that the above, which is a free translation, was not intended as an interview for publication, but was part of a private conversation. Nevertheless it may, I think, be assumed that it fairly accurately represents what Count Romanones did say, and he is, when all is said and done, the best known statesman in Spain.

I have, &c.

ESME HOWARD.

[W 7388/171/28] No. 106.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received September 4.)

(No. 620.)

My Lord, *Zarauz, September 2, 1922.*

IN continuation of my despatch No. 614 of the 31st August respecting the excitement which has been caused by the sudden journey of the Spanish High Commissioner in Morocco, General Burguete, to Madrid which has petered out as suddenly as it was aroused owing to the statement officially made by the Prime Minister as reported in my telegram No. 133 of the 1st instant, that General Burguete and the Government were in complete accord, I have the honour to report that it is nevertheless clear from reports received from Madrid and published in the "Pueblo Vasco" this morning, that there had been divergencies of opinion and that the agreement reached really amounts to a capitulation on the part of the Government to General Burguete and the officers of the army. In my telegram No. 134 of yesterday I pointed out that General Burguete's secretary had really let the cat out of the bag when he stated at an interview that the general was of the opinion that it was absolutely necessary for Spanish troops to go to Alhucemas Bay and to dominate the Beniurriaguel territory before the civil protectorate could be established. Declarations made by General Burguete last night to a correspondent of the "Correspondencia

Militar" (which it may be noted is the organ of the military Juntas) emphasised this point. After insisting that there was complete cordiality in the relations between himself and the Government, and denying certain rumours which had been put about with regard to the reasons for his return to Madrid, he stated that he had not gone to Morocco in order to maintain a chronic state of war. He proposed to reach Alhucemas before the month of January and to go there without fighting and without making any great effort. By that date he desired that the sectors of Melilla and Tetuan should be united. If he could not achieve this he would consider that his mission had failed and would return to Spain.

As regards Abd-el-Krim, he stated that he considered that he was about to lose the little influence which his people still had in him.

He then went on to trace his plan for a protectorate which was that the territory of Melilla should become an "Amalato" of the Riff and that the "Amal," that is to say the representative of the Caliph, should be a Prince of the Royal blood. The military forces in the three sectors of the Spanish zone, *i.e.*, Melilla, Tetuan and Ceuta-Larache, would consist of 20,000 Europeans only, all of whom would be volunteers.

As regards the repatriation of the troops, he would carry this out as rapidly as possible because the Government desired that the protectorate should be established at all costs and it was more than probable that a decree would shortly appear in the Gazette giving the necessary powers to the High Commissioner to introduce the protectorate system.

Here, then, it is quite clearly stated that General Burguete returns to Morocco with full powers to carry out his plans for the occupation of Alhucemas Bay by Spanish troops. It is true that he promises that this will be done without bloodshed and without any great effort, but it is difficult to believe that the Government can accept these promises on their face value inasmuch as that when the whole question was debated between their predecessors and General Berenguer at the Pizarra meeting in February last (see my despatch No. 110 of the 15th February) they arrived at the conclusion that this would entail a much too costly military operation. As far as the outside public can judge there is no reason for supposing that the situation of Abd-el-Krim has been so shaken that the Spanish troops can march through the Beniurriaguel territory without serious opposition. Should there be such opposition, and should the Spanish army suffer another defeat like that of Annual, it is difficult to foresee what would happen inasmuch as the country is now certainly more weary of the Morocco war than it was in July last when it supported the then Government in a moment of patriotic fervour in their determination to do all that was possible to wipe out this stain on Spanish arms.

One can therefore only suppose that in order to avoid a serious crisis at the present time which was desired by no political party, the Government has accepted the assurances of General Burguete against their own better judgment and, as stated above, has capitulated to the importunities of the military party.

The actual divergencies which undoubtedly exist between the High Commissioner and the Prime Minister are stated as follows by the Conservative "A.B.C.," which one would suppose they would not *primâ facie* be likely to wish to accentuate them :—

1. The proposal of General Burguete to advance to Alhucemas which is contrary to the judgment, opinion and advice of Señor Sánchez Guerra.
2. The appointment of several high officers without consulting General Burguete and the refusal to appoint others asked for by the High Commissioner, amongst others Colonel Riquelme, to command once more the native police (with regard to Colonel Riquelme's retirement, see my despatch No. 401 of the 27th May).
3. The repeated proposal of General Burguete to allow Raisuli to reside in Tangier which was refused positively by Señor Sánchez Guerra. (With regard to this point General Burguete has stated that he is certain that the negotiations for the submission of Raisuli were about to conclude satisfactorily, nothing had, however, been decided about his residence, but the general was in favour of his being allowed to live at Tazarut where he could be carefully guarded, one of the conditions of his submission being that certain points of the Yebel Alam would be occupied by Spanish troops.)
4. The proclamation published by the High Commissioner on the eve of the advance of the Spanish troops in the eastern sector, which document had been severly criticised by the Prime Minister (I refer to this proclamation in my despatch under reference).

5. In the lack of haste on the part of the Government in returning to the High Commissioner his plans for the civil protectorate which had been drawn up by General Burguete a few days before arriving in Madrid.

There is little reason to suppose that the causes of the difficulties between the two parties have not been correctly stated by the "A.B.C."

The "Sol," which is the principal liberal paper of Madrid, on the other hand comments on the whole affair as a tragi-comic incident. It says that on the arrival of General Burguete in Madrid and at the moment of meeting him, Señor Sánchez Guerra must have suddenly discovered that their complete agreement in all matters connected with Morocco had never been for a moment interrupted. The public looked on stupefied and the press observed them with confusion and they themselves perhaps were surprised at their own cordiality. This scene would have been comic if there was not being enacted in Morocco a real and sanguinary tragedy which required firm action and clear plans.

The comedy is perhaps enhanced by the final statements of General Burguete to the effect that he was about to leave Madrid highly satisfied with the results of his visit which were two:—

1. The proof that there was no antagonism between the Government and himself, and
2. The assurance that his "enfermedad de estómago" was not so serious as he had supposed in the beginning, according to the opinion of the medical expert whom he had consulted.

So far as we are concerned the postponement for some months at any rate of a Government crisis is the advantage that we may hope for an early signature of the Commercial Treaty and possibly for a settlement of the long pending question of the arbitration of the Morocco claims.

What the ultimate outcome, however, of the new plans of General Burguete to occupy Alhucemas Bay may be it is impossible to say, but I cannot help fearing that, if unsuccessful it may be frought with serious consequences for the future of the Spanish zone in Morocco.

The "Diario Universal" which has always insisted on the necessity of the adoption throughly and decidedly either of a policy of military occupation or of peaceful penetration by means of a civil protectorate, says that the Spanish public will do well to take careful note of the promises of General Burguete and underline the fact that while the High Commissioner makes flattering promises of achievements without loss of life, hundreds of Spanish soldiers continue to be sent to Morocco.

I have, &c.
ESME HOWARD.

[**W 7478/7478/28**] No. 107.

Mr. Robertson to the Marquess Curzon of Kedleston.—(Received September 7.)

(No. 345.)

My Lord, *Tangier, August* 30, 1922.

I HAVE the honour to transmit to your Lordship herewith copy of a despatch from His Majesty's vice-consul at Tetuan in which he reports the fall of the Grand Vizier, Ben Azzuz. The Spanish authorities seem to have acted with dramatic suddenness. It was, indeed, common knowledge in high Moorish circles in Tetuan that the Grand Vizier did not see eye to eye with the Spanish authorities. Ben Azzuz is a man of commanding personality, and combines a high degree of intelligence with considerable force of character. He did not love the Spaniards—indeed, like many Moors, he probably despised them—but he has the reputation of being fair and honest in his dealings, and of making a sincere attempt to co-operate with them. At the same time Ben Azzuz has refused to be merely a puppet, and on two recent occasions has opposed the Spanish authorities when they attempted to take what appeared to him to be unconstitutional action. In the first case, Ben Azzuz heard that the Spanish authorities had deposed the Basha of a town in the Spanish zone and had appointed his successor without, however, going through the form of consulting him. He protested, and the Basha elect, who had already left Tetuan, was recalled, and only departed when the necessary decrees of deposition and appointment had duly been signed by the Grand

Vizier. The second incident arose a few days ago—Ben Azzuz was told that the Spaniards wished him to go to Melilla, which, as your Lordship is aware, does not form part of the Spanish zone of Morocco. Ben Azzuz, either fearing that he would become the victim of the military régime in force at that fortress, or thinking that some plan was afoot to abuse the considerable influence which he exercised over the natives, informed the High Commissioner that he was unwilling to proceed to Melilla unless the Khalifa was also going and required his attendance.

2. These incidents may have convinced the new High Commissioner that it was essential to replace Ben Azzuz by someone more pliant, but the means adopted for making this change reflect no credit on General Burguete's appreciation of Moorish character. In Ben Azzuz he had a Minister of considerable ability, who was prepared to co-operate with him, and at the same time enjoyed very great influence over the Moors. Even assuming that he had the best reasons for wishing to replace him, he was at least unwise in the manner in which he carried out his intention. The excuse that the Spaniards desired a native of Tetuan for Grand Vizier will deceive nobody, least of all the notabilities in that city, particularly after seeing Spanish soldiers suddenly posted round the house of Ben Azzuz.

3. It is not easy to see what consequences will follow on the step which the Spanish authorities have taken with such precipitancy. Comment in influential native circles in Tetuan runs chiefly on the lines that it is in accordance with Spanish custom for a new High Commissioner to make a clean sweep of Spaniards and Moors alike who have co-operated with his predecessor, and that the changes which are being carried out by General Burguete are unlikely to be more productive of results than those which have been made by his predecessors on their arrival in Morocco. Though much sympathy is felt for Ben Azzuz on account of the ungracious treatment which has been accorded to him, the general feeling seems to be that he is lucky to get out of an unenviable post, and that whatever qualities his successor may develop in his new position they can never suffice to compensate for the follies which the Spanish administration are certain to commit.

4. Meanwhile the fate of Ben Azzuz is uncertain, and at present he is under guard in his own house. It is not unlikely that he may eventually come to Tangier and stay with Sid Mehdi-el-Menebhi, G.C.M.G., who is an old friend of his, and subsequently proceed to the French zone to endeavour to obtain the restitution of his considerable properties there which were sequestrated owing to his having been in partnership with a German protégé.

I have, &.
ARNOLD ROBERTSON.

Enclosure in No. 107.

Vice-Consul Fox-Strangways to Mr. Robertson.

(No. 82. Confidential.)

Sir, *Tetuan, August* 26, 1922.

I HAVE the honour to report that Ben Azzuz has been dismissed from the post of Grand Vizier, has been succeeded by Hamed Rkaina, of the Council of Ministers.

It is also rumoured that the Basha is to be dismissed, but confirmation is lacking so far.

The Khalifa summoned the Moorish population to his palace this morning and explained that the change was due to the fact that the late Grand Vizier was not a native of Tetuan, whereas his successor is.

The real reason appears to be that Ben Azzuz was not on good terms with the Secretary-General.

I have, &c.
W. A. FOX-STRANGWAYS.

[W 7656/171/28] No. 108.

Mr. Robertson to the Marquess Curzon of Kedleston.—(*Received September* 13.)

(No. 348.)

My Lord, *Tangier, September* 2, 1922.

SOME three weeks ago Si Qasem Doukkali, a well-known local Moor and friend of Great Britain, called upon me and informed me that he had just received a letter from Raisuli requesting him to visit the latter at his present quarters in Jebel Bou Hashem, a mountain of considerable altitude (about 2,000 metres) some 30 kilom. south of east of Alcazar. Accompanying the letter was a pass signed by General Castro Girona authorising Si Qasem to travel anywhere in the Spanish zone. My visitor's object in telling me this was to ascertain whether I had any objection to his visiting the Shereef. I informed him that I had none at all, but that he must bear carefully in mind that, should Raisuli's aim in sending for him be to secure British mediation between himself and the Spanish authorities in the negotiations initiated with him by General Burguete immediately after the latter's appointment as Resident-General, it must be clearly understood that His Majesty's Government would have nothing to do with the matter.

2. Two days ago Si Qasem returned from his visit to Raisuli and gave me the following account of his journey.

3. Not long after his first call upon me, Si Qasem received a letter from a Moorish friend at Tetuan stating that Señor Cerdeira, interpreter to the Spanish Residency-General, would be in Tangier on Saturday, the 26th ultimo, and would motor Si Qasem on the following day to Sôq-el-Khmis of Beni Aros, where mules would be waiting to take them on to Raisuli's camp. On the day in question Señor Cerdeira arrived in Tangier accompanied by two Spanish gentlemen from Madrid, the one a man of some 40 years and apparently a Government official, the other a young journalist aged about 30. On the following day the party, increased to five by the addition of one Si Mustapha Akalai, a Tangier Moor and friend of Raisuli's, left Tangier in three Ford cars and eventually reached their destination that night.

4. During the journey Señor Cerdeira had endeavoured to enlist Si Qasem's assistance on the side of the Spaniards, begging him to use all his influence with the Shereef in order to persuade him to come to an agreement with Spain. This Si Qasem refused to undertake, saying that he could have nothing to do with mediation in such matters.

5. On their arrival, the party were immediately received by Raisuli, to whom Señor Cerdeira introduced his two Spanish companions as friends of General Burguete who recommended them particularly to the Shereef's welcome.

6. There then ensued a long conversation between the Spanish official and Raisuli, in the course of which the following leading questions were put and answered, which I venture to set forth in the form of an interrogatory in *oratio recta* :—

Spanish official.—"Who was the cause of last year's disaster in the Riff?"

Raisuli.—"Berenguer and Silvestre."

Spanish official.—"What do you think of Burguete's policy?" (good terms with Mohammed ben Abdulkerim, and the use of money instead of force).

Raisuli.—"I think it a good one, but if any change of policy takes place, I should not like to say what would happen."

Spanish official.—"Can the zone be expected to yield a revenue to provide funds for the construction of public works, roads, &c.?"

Raisuli.—"Later, when quiet and tranquillity have been established, yes—little by little."

Spanish official.—"Can troops be removed now?"

Raisuli.—"No."

Spanish official.—"Cannot the troops in the Larache and Arzila districts be removed now, as is so much desired?"

Raisuli.—"No; not yet."

Spanish official.—"What do you think of our King, Alfonso XIII?"

Raisuli.—"I do not know him but the people around him are bad."

Spanish official.—"What do you think of Spain?"

Raisuli.—"In the beginning, I thought well of Spain as a poor and weak Power, and when she came to help Morocco I was prepared to lend a hand and assist in the task. But when I discovered what the Spaniards were, and what thieves the Spanish officers are, I changed my opinion and hated Spain."

Spanish official.—"Do you think that Morocco will, like Egypt or Turkey, arise and attempt to drive out the Christian?"

Raisuli.—"No, Morocco has not had the educational facilities which have fallen to the lot of the countries you mention. Later, when she has had such facilities, yes, this may occur."

7. In making these replies, Raisuli did not mince matters or endeavour to sugar the pills. On the contrary, he made them with brevity and vehemence. The three Spaniards took no offence but expressed agreement with him.

8. Subsequently Señor Cerdeira and his two companions informed Raisuli that General Burguete had the full weight of the army against him as regards his policy of peaceful penetration. The army, *i.e.*, the officers, desired a fighting policy because this afforded endless opportunities for peculation to the whole body of officers. Señor Cerdeira added that he was the bearer of an oral message from General Burguete to the effect that he was going to Madrid to try and set things right. In Madrid they were continually traversing and obstructing his designs, and the person chiefly and primarily responsible for this was General Barrera, formerly general officer commanding the Larache district, and now holding an important position at the Ministry for War. I may here add that it is highly probable that General Barrera, who is an *arriviste* of the most pronounced type, is, as usual, grinding his own axe to the best advantage and aiming at the supreme command of the Spanish zone for himself. To do this he will labour hard and long to thwart General Burguete, or any other Resident-General, until he can so manœuvre matters as to have the post offered to himself. It will be of interest also to note that Raisuli informed Si Qasem that there was yet another aspirant to the Residency-General, namely General Castro Girona. The Shereef has a good opinion of this officer, stating that he is a man of his word.

9. Later and secretly, Señor Cerdeira handed a sum of 50000 pesetas to Raisuli wherewith to pacify his followers in that region and prevent them from molesting the Spanish troops for one month, a kind of armistice to cover the period of negotiations with Raisuli. This was in accordance with a private arrangement come to between General Burguete and the Shereef.

10. Turning to the question of the negotiations between Raisuli and the Spanish authorities, Si Qasem stated that the present position was as follows:—

The Shereef asks for the return of all his properties and permission to reside at Tangier. The Spanish authorities, as represented by Madrid, are prepared to agree to the return of the properties, but insist on Raisuli's taking up his residence at either Tetuan, Larache or Arzila, General Burguete, however, is prepared to accept Raisuli's terms, though he has attempted to impose one condition on Raisuli, namely that the latter should undertake to return to the Spanish zone and lend his assistance to Spain whenever the latter finds herself in serious difficulties in the western sector of her zone. Even to this intermediate proposal Raisuli resolutely refuses to agree, stating that the principal object of his proposals is to secure his complete and unqualified severance from anything connected with the affairs of the Spanish zone or the Spanish authorities. Si Qasem added that, doubtless, one of General Burguete's principal objects in returning to Madrid is to induce the Government to give him a perfectly free hand in these negotiations. This he took to be the meaning of General Burguete's message to Raisuli as set forth about in paragraph 8.

I have, &c.
ARNOLD ROBERTSON.

[W 8263/171/28] No. 109.

Sir E. Howard to the Marquess Curzon of Kedleston.—(*Received October* 3.)

(No. 674.)

My Lord, *Madrid, September* 30, 1922.

I HAVE the honour to forward herewith a report drawn up by Mr. Wingfield on recent events in the Spanish zone in Morocco.

The one matter for satisfaction is the submission of Raisuli, which, however little flattering to Spanish pride on account of the conditions to which the Spanish authorities have had to agree, is at least, one may hope, one difficulty the less in the way of the pacification of the western sector of the zone.

As regards the alleged proposals of submission of Abd-el-Krim, which excited

so many hopes about ten days ago, they seem to have been little more than a farce in which ex-Sultans, veiled ladies and High Commissioners scurrying to and fro all played mysterious rôles.

The scandal connected with Captain Jordan at Larache has assumed alarming proportions, and whether suppressed or brought to light will not tend to increase the credit of the Spanish army in Morocco. Altogether the report makes rather melancholy reading.

I have, &c.
ESME HOWARD.

Enclosure in No. 109.

Report on Recent Events in the Spanish Zone.

THE Spanish newspapers of the 21st instant announced under large headlines that Abd-el-Krim had asked for conditions of surrender, having sent two agents with white flags to the rocky island ("peñón") of Velez de la Gomera. This news was received with a tremendous outburst of rejoicing all over Spain, as well as at Melilla, and a large crop of rumours and comments on them at once sprang up with regard to what had actually happened, and what were likely to be the ultimate results.

The Government, after some delay, denied that negotiations for the surrender of Abd-el-Krim were in progress, but the military authorities in Morocco were unable to deny that some sort of negotiations were going on with the Moorish tribes, whilst General Burguete was known to have crossed from Melilla to Malaga on the 20th instant, and to have had an interview in the latter port with the ex-Sultan, Mulay Hafid. This latter fact formed the basis for rumours that Mulay Hafid was to be named Khalifa of the Spanish zone, and that he was to negotiate a settlement with the Riff tribes; but the ex-Sultan soon after quitted Malaga for a part of Spain less near the Moroccan coast, and left the public to form fresh theories to fit the facts, so far as they were known to them.

Perhaps the most detailed and connected story of these negotiations was that published in the "Liberal" of the 28th instant. It stated that on the 16th instant a number of Moors arrived at the Peñón de la Gomera in a boat, claiming that they were the representatives of all the local tribes, which desired to surrender. They offered hostages, and expressed the willingness of their tribes to act against Abd-el-Krim and to join the Spaniards in fighting the Beni-Urriaguel tribe, should this prove necessary to bring them to terms. They asked in return for a money payment—doubtless to provide themselves with grain for the winter—and for an assurance that they would be allowed in the future to choose their own chiefs.

On the following day other Moors appeared at the same place, offering to enter into negotiations on behalf of Abd-el-Krim, who, it has since been suggested, merely wished to prevent the negotiations mentioned above from being brought to a successful conclusion. They were told that they should bring concrete proposals for the submission of Abd-el-Krim to the Makhzen; but, though various *soi-disant* agents of his appeared on the following days, no definite proposals were put forward on the part of Abd-el-Krim, and the Spaniards decided to continue to negotiate with the local tribes as being the surest way of overcoming Abd-el-Krim's hesitations and dilatory methods. The local tribes expressed themselves as desirous of returning to their homes, of rebuilding their houses and of restoring their cattle to their pastures, before the advent of the winter; and the fact of the destruction of their crops seemed ample reason for their desire to come to some arrangement ensuring them sufficient to buy food for the winter.

With regard to Mulay Hafid, it was stated in the same journal that he formed the idea of taking part in the negotiations for the ransom of the Spanish prisoners, and that, after writing to General Burguete for his approval—a letter to which, in truly Spanish fashion, the general returned no reply—Mulay Hafid sent to the Riff an agent who commenced negotiations. These, however, came to the ears of General Burguete, who at once called upon Mulay Hafid to disavow this agent, who, according to the "Libertad," had succeeded at first in passing himself off as the ex-Sultan himself. This disavowal, a facsimile of which appeared in the newspaper in question on the 28th instant, was widely published by the Spaniards in their zone.

Apart from the above information, nothing definite is known as to the progress of the negotiations in this eastern theatre of operations. It is, however, reported

that the following terms have been agreed upon by Raisuli and General Castro Girona, who has been negotiating with him on behalf of the Spanish Government:—

1. The day after Tazarut has been evacuated by the Spaniards, Raisuli will camp on the neighbouring terrace, installing himself in Tazarut, which has been destroyed, as soon as it is habitable.
2. He will be accompanied from the first by all his followers and their families, whether or not they are fugitives from other tribes.
3. The Spanish troops now occupying Tazarut will concentrate on the adjoining position of Ain Grana, which commands Tazarut and its neighbourhood.
4. After he has made this move, Raisuli will arrange for the chiefs representing the unsubdued tribes of Beni-Aros, Beni-Laitz, Sumata and Beni-Yusef to go to Tetuan and tender the submission of their tribes to the Makhzen, which, with the assent of the protectorate authorities, will appoint a kaid and chiefs to govern them.
5. Those rebels following Raisuli who are drawn from other tribes are to return to their homes, after making submission to the Makhzen, which will appoint for them such chiefs as may be considered necessary.
6. When signing these clauses Raisuli handed over schedules of the damages done to the farm buildings and cattle of himself and of his brother so that they may be indemnified after a careful examination of their statements.
7. He will further be paid the sums earned by his mehala when it was in the Spanish service; but he must first hand over all the arms and war material of every kind which was entrusted to him, making good the value of any that may be missing.
8. In conclusion, Raisuli undertakes to refrain from interference in tribal affairs and from opposition to the action of the Makhzen or of the protectorate authorities, to which he will, on the contrary, give his support if called upon to do so.

In commenting on these terms, the "Diario Universal" of the 28th instant suggested that one might suppose from them that Raisuli was the victor, since he was not compelled himself to make submission to the Makhzen, and since he was allowed to settle in Tazarut, the centre of his power, which, moreover, was to be rebuilt by the Spaniards, who also were paying him an indemnity. The other Madrid newspapers, however, seem on the whole satisfied at having at last come to a settlement in this theatre of operations. On the other hand, the joy shown by the public at the first rumours of some arrangement come to with Abd-el-Krim was proof of the earnest desire—practically universal, as far as can be judged, in civilian circles—for almost any settlement which will ensure an early end of the operations in Morocco, the ransom of the prisoners, and the repatriation of the troops now in the Spanish zone . . . . an attitude that is doubtless well known to the Riff chieftain. It is, however, doubtful whether the army will consent to breaking off, without some measure of success, operations which have been so damaging to their prestige, and which are remunerative to many officers, not only by providing appointments and commands to which they may aspire, but also by giving occasion for robbing the State, of which a glaring example has recently come to light.

According to reports which have appeared in the press, Captain Jordan, an officer employed at Larache, was recently compelled, by reasons of health, to absent himself from his post in the Quartermaster-General's Department. On his return some months later he demanded his fair share in the perquisites accruing during his absence, and when this was not forthcoming, proceeded to convert to his own use the sum of 1,000,000 pesetas, which was confided to his care, with the result that his action came to light, and an enquiry was set on foot. Captain Jordan then confessed that great "economies" were regularly made in the stores of all sorts given out to the troops by his department, and that the large sums thus saved, instead of being credited to the State, were divided up at the end of every month between a number of officers, of whom he was one. This story got into the press, with the result that a wider enquiry became necessary, and one is now being held by the military authorities in Madrid. It remains, however, to be seen whether the officers who are holding this enquiry will contrive to hide the full facts from the public, thereby perpetuating the present state of affairs, in which the very hospital stores are stolen and hawked through the streets of Melilla and Cadiz, with the result that the troops suffer from the absence of all sorts of necessaries and comforts, as was learnt to their cost by the British soldiers who were enlisted in the Spanish Foreign Legion.

According to press accounts, collusion with the army contractors was rife, the arrangements being either for the officers to accept short deliveries of hay, &c., or for the contractors to sign receipts for bigger sums than those paid to them, the resulting amounts being "honourably" divided amongst the officers entitled to participate. An opportune fire covered all traces if there was any danger of enquiry into the quantity or quality of goods supplied under this system.

It is notorious that the only decently equipped hospitals provided for the Spanish army are those managed by the Red Cross, presided over by Queen Victoria Eugenia, which are in glaring contrast to those under the control of the army.

The press has also contained references to General Picasso's report on the responsibilities for the Annual disaster, and the "Sol" of the 27th instant stated that this report, which is said to place the main responsibility on the shoulders of the Generals Berenguer, Silvestre and Baron Casa Davalillos (who is the same as General Navarro, now a prisoner with the Riffs) amongst the officers, and on those of La Cierva and Viscount Eza amongst the politicians, will be further considered on the 4th proximo by the Parliamentary Commission appointed for the purpose. Señor La Cierva has protested against this libellous notice in the "Sol," since he became War Minister after the disaster, but was only Minister of Public Works when it occurred.

It may not be amiss to place on record here the fact that on the 16th instant a Royal decree was published purporting to convert into a "civil" protectorate the system of government introduced into the Spanish zone in 1913. This decree has not attracted much attention in the Spanish press, despite the radical change which it purports to bring about, probably for the reason that its actual stipulations are in the nature of departmental reorganisation and may change little but the names of things, whilst the public is sceptical as to how far the military authorities will allow any real power to be exercised by civilians in the Spanish zone. The decree commences with an introduction, which explains that the arrangements made in 1913 were provisional. The protectorate was then organised on the basis of three administrative organs; The Department of Native Affairs, which acted also as secretariat-general to the High Commissioner; the Public Works Department; and the Department of Taxation, Economics and Finance. In the occupied territory executive action was entrusted to "consuls" in the towns, and to the military authorities in the country, whilst in the Riff it was exercised through the commandant-general of Melilla. Lack of unity of action between the various authorities resulted, and the Government consequently have decided by this decree to transfer all services connected with the native police from the Ministry of War to the Ministry of State, thus assimilating the policy in the unpacified territories to that followed in the pacified regions, and unifying the policy in town and country under civilian direction.

The terms of the decree may be summarised as follows:—

1. The Department of Native Affairs is restored to its position as secretariat-general of the High Commissioner, its chief being given the title of "Inspector-General for Civil and Khalifian Affairs."
2. An "Inspectorate-General for Military Affairs and Khalifian Troops," to be held by a general of brigade, is created and will be paid for out of funds of the Ministry of State.
3. Both the above inspectors are to be in constant touch, and will communicate to the secretariat-general with regard to the general state and political situation of the territories under their care, so that the High Commissioner may, in collaboration with them, take such steps as may seem desirable for introducing a civil régime.
4. When the time is found propitious for the introduction of this régime in any territory, all military intervention in that territory will thereupon cease, but the military forces required for security will not be withdrawn. The native authorities will be helped to enforce their own laws under the supervision of the civil inspector. The basha or kaid appointed to rule a particular city or tribe will be provided with native forces sufficient to maintain his authority. The High Commissioner, in the character of commander-in-chief, will distribute as he thinks fit the Spanish or native troops throughout the territories controlled by the Makhzen, but these forces are to refrain from all interference in the internal life of the tribes.
5. The High Commissioner is authorised, in consultation with the Inspector-General of Military Affairs and Khalifian Troops, to organise as seems best to him these forces and these present bureaux of native police,

reducing, if he pleases, his intelligence and political organs to these bureaux alone, and forming out of the native troops the future army of his Highness the Khalifa.

6. The High Commissioner is also authorised, in consultation with the same inspector-general, to determine the military relations between the forces under the control of the inspector-general and the commands of Ceuta, Melilla and Larache, which will be maintained through the military Cabinet of the High Commissioner, an organ which will still be required in the future, and will be particularly necessary should the High Commissioner be a civilian. The latter will ensure, however, that purely political matters will be treated solely through the civil inspector-general.
7. In view of the geographical relation of the eastern region of the Spanish zone with the capital, of its ethnographic character and its traditional administrative organisation, the Riff province will be reconstituted and will be governed, subject to the Makhzen of the Khalifa, by an "amel," under whose orders will be placed the kaids of all the tribes forming this "amelate." An adviser to the amel will be appointed by the High Commissioner, and will have a staff to carry out his duties under this decree.
8. The High Commissioner will submit to the Government proposals as to the personnel required to form the native police and to staff its bureaux.
9. All regulations of the Ministries of State or of War, conflicting with the above, are revoked, and the High Commissioner is authorised to make regulations for carrying out this decree, and to recommend to the Khalifa to publish such decrees as he may think desirable.

CHARLES WINGFIELD.

Madrid, September 30, 1922.

[W 8639/171/28] No. 110.

Sir E. Howard to the Marquess Curzon of Kedleston.—(Received October 17.)

(No. 687.)

My Lord, *Madrid, October* 13, 1922.

LESS and less is heard in the press of the supposed intention of Abd-el-Krim to surrender, to which I referred in my despatch No. 674 of the 30th ultimo, and it now seems clear that the negotiations with him, if such actually took place, have not led to the early and important results expected by the public. The arrival of General Burguete in Madrid on the 5th instant, however, raised once more the expectations of the Spanish people, and the rumour was put about and generally accepted that the question to be discussed with the Cabinet was whether or no there should be a disembarkation in Alhucemas Bay. I may here mention that the General was nominally visiting Madrid for medical treatment, an explanation to which no one seems to have attached much credit. Although the interviews with him filled columns in the press, and the Prime Minister and other politicians, though more reticent than the Commander-in-chief, nevertheless had to make statements to inquisitive reporters, no clear indication has transpired as to the results of these consultations. General Burguete has stated that he can go to Alhucemas without sacrificing a man or a peseta, meaning, doubtless, that the way can be so prepared by negotiation that the operation will be unopposed. He has, again, since the recent consultations, maintained that the army must go to that place in order to enforce the submission of the Beni-Urriaguel tribe and to make civil government in the zone a possibility. The army, too, is desirous of recovering its lost prestige before withdrawing from Morocco. But, on the other hand, the expense of continued operations is more than Spain can long support; the country is tired of the campaign and the Government would not, I think, dare to risk the heavy losses that a landing at Alhucemas, if seriously opposed by the Moors, would undoubtedly entail. Moreover, experience of the present state of the Spanish army does not suggest that it is capable of bringing such an enterprise as an invasion by sea of the territory of the Beni-Urriaguel to a speedy and successful termination. In these circumstances, it seems possible that the talk of a landing at Alhucemas, and the small unopposed operation of this sort carried out by General Castro Girona to the west of Velez de la Comera, may be merely "bluff," intended to hasten negotiations with the

Moors or to draw off their attention from the theatre of some other operation, such as the withdrawal of some of the many posts scattered amongst the mountains.

That Spain will not find it easy to obtain by force the submission of all the Riff tribes seems clear from a leading article in the "Sol" of the 6th instant, which stated that Spain was paying Abd-el-Krim 1,000 pesetas a day (I believe it is actually 15,000 pesetas per convoy, there being two every month) to secure his permission for the passage of convoys of supplies for the Spanish prisoners in Moorish hands, money which is naturally used to buy arms and munitions to use against the Spanish troops. The "Sol" points out that Raisuli has been promised money to secure his submission, and fears lest these payments made to undefeated enemies may merely instigate others to take up arms in order to be bought off at a future date. The trouble, in fact, is that so many Moors, to use an American phrase, persistently decline to "stay bought."

The ex-Sultan Mulay Abdel Hafid has found it necessary to publish in the press a *démenti* of the story concerning his supposed impersonator in the Riff. He stated that it was absolutely untrue that this supposed emissary resembled him or that he carried letters accrediting him as his (Mulay Hafid's) agent. He also denied that he had ever stated that this person was a French agent, since he knew nothing of Moroccan affairs and would not dream of insulting France in this manner.

An incident has occurred at Uxda which has doubtless added to the strange relations between the French and Spaniards in Morocco, though it appears to have been quickly settled by the two Governments concerned. The Spanish consular agent at Uxda, Señor Cagigas, returning from Melilla, seems to have refused to open his luggage at the request of the French customs officials. These latter, it is said, thereupon had him imprisoned and seized documents carried by him. The press reports at first stated that the consulate had subsequently been searched and many documents impounded; but this has been contradicted. The Spanish Government made representations to Paris, and the Spanish papers announced that the matter has been settled, their consul being released and the over-zealous French officials rebuked.

Meanwhile, a recent murder trial in Melilla has given further point to the argument often advanced by Abd-el-Krim and other Moors against submitting to the Spanish protectorate, namely, that Spain herself has made so little progress in civilisation that she is not qualified to exercise a "civilising" mission in Morocco. Two Moroccan Jews who had embraced the Catholic religion were, according to press accounts, rebuked by the aged Chief Rabbi of Melilla for their evil life. Thereupon they set upon him and stabbed him to death. The Spanish jury, however, refused to convct them and the Jewish inhabitants of the Spanish zone are naturally perturbed at this exhibition of racial or religious prejudice in the administration of justice. In a leading article on this case the "Sol" comments severely on this transplantation into Morocco of these miscarriages of justice which are so scandalously common in the Peninsula.

I have, &c.
ESME HOWARD.

[W 9739/171/28] No. 111.

Mr. Wingfield to the Marquess Curzon of Kedleston.—(*Received November* 28.)

(No. 771.)

My Lord, *Madrid, November* 22, 1922.

WITH reference to Sir Esme Howard's despatches No. 725 of the 28th ultimo and No. 509 of the 8th July last, and previous correspondence, I have the honour to report that General Picazzo's report on the responsibilities for the Annual disaster is now, to a very large extent, engrossing public attention in the press and in Parliament. Copious extracts from this report have appeared in the press; but I do not think it necessary to trouble your Lordship with even a summary of this very lengthy document, since the disaster of July last year is now ancient history, and the causes which led to it are in the main sufficiently clear to all the world, having been summed up by a Franciscan monk, Alfonse Rey, in the words "lack of vigilance before the disaster and panic after it."

The reading of this report must be extremely painful to any Spaniard to whom the honour of the Spanish army is dear, for, with the exception of a few cases of individual heroism, the extracts published are filled with tales of disgraceful cowardice, criminal lack of prevision and gross inefficiency on the part of the

Spanish forces in Morocco. There were apparently 130 military posts held by detachments of the Spanish army in the theatre of this disaster, and the conduct of the defenders of each of these posts has been examined in the report. In most cases, after hearing of the original disaster at Annual, the garrisons seem to have fled without waiting for orders; a typical case being that of an officer in charge of one of these posts, who telegraphed to the general commanding at Dar Drius to say that if he did not receive orders within five minutes he proposed to evacuate his position, a threat which he proceeded to carry out, although no enemy was anywhere in his immediate neighbourhood. General Navarre, upon whom the supreme command devolved after the fall of Annual and the death of General Silvestre, appears to have failed altogether to issue instructions with regard to the manner in which the retirement was to be carried out, or as to the points at which a stand was to be made. It is only fair, however, to this officer to point out that he is now a prisoner of the Moors, and therefore unable to defend himself. At all events, the panic was so great that it proved to be impossible to form any front against the enemy, with the result that the roads towards Melilla became crowded with terrified fugitives, amongst whom officers are mentioned, who deserted their men and made for Melilla, or who tore off all outward signs of rank from their uniforms, removing even their gaiters in order to be the less noticeable among the general mass of fugitives.

There are also in the report criticisms of the sites selected for many of these military posts, both because some of them were apparently indefensible from their situations, and because they were generally able to do little or nothing to support one another against enemy attacks. The wholly unjustified optimism of those in command with regard to the attitude of the Moors, and the extremely bad *moral* of the army revealed by the lack of confidence of the officers in their men, are also the subject of comment by General Picazzo.

The committee charged with the examination of this document have drawn up their own report; but there was a cleavage of opinion within the committee on party lines, with the result that dissenting opinions were recorded. Meanwhile, the Senate has been invited to permit General Berenguer, Commander-in-chief before and after the fall of Annual, and himself a Senator, to be brought before the Supreme Tribunal of War and Marine to answer charges which throw upon him the responsibility, at all events in some measure, for this disaster. He has adopted the line that, as he was retained in command of the troops in Morocco with the entire confidence of the Government until he insisted on resigning at a quite recent date, and as the Government had long had the Picazzo report in their hands before his resignation, this attempt to bring him before a tribunal can be nothing but a political manœuvre, and that it is at all events unprecedented for a subordinate, like General Picazzo, to criticise the actions of his superior officer, whose position precluded him from being even summoned to furnish the documentary evidence upon which such criticisms might justifiably be founded.

The question of the measure of responsibility falling upon Señor Allendesalazar, the Marqués de Lema, the Vizconde de Eza, Señor La Cierva and other politicians is also the subject of discussion in the press, since the Liberals apparently hope, by discrediting these Conservative politicians, to prepare the way for their own return to power, whilst those accused protest that they are no more responsible for the deplorable state of the Spanish army than any of the other politicians who have held office in recent years, whilst they feel little confidence of impartiality on the part of any tribunal before which they may be brought.

I have, &c.
CHARLES WINGFIELD.